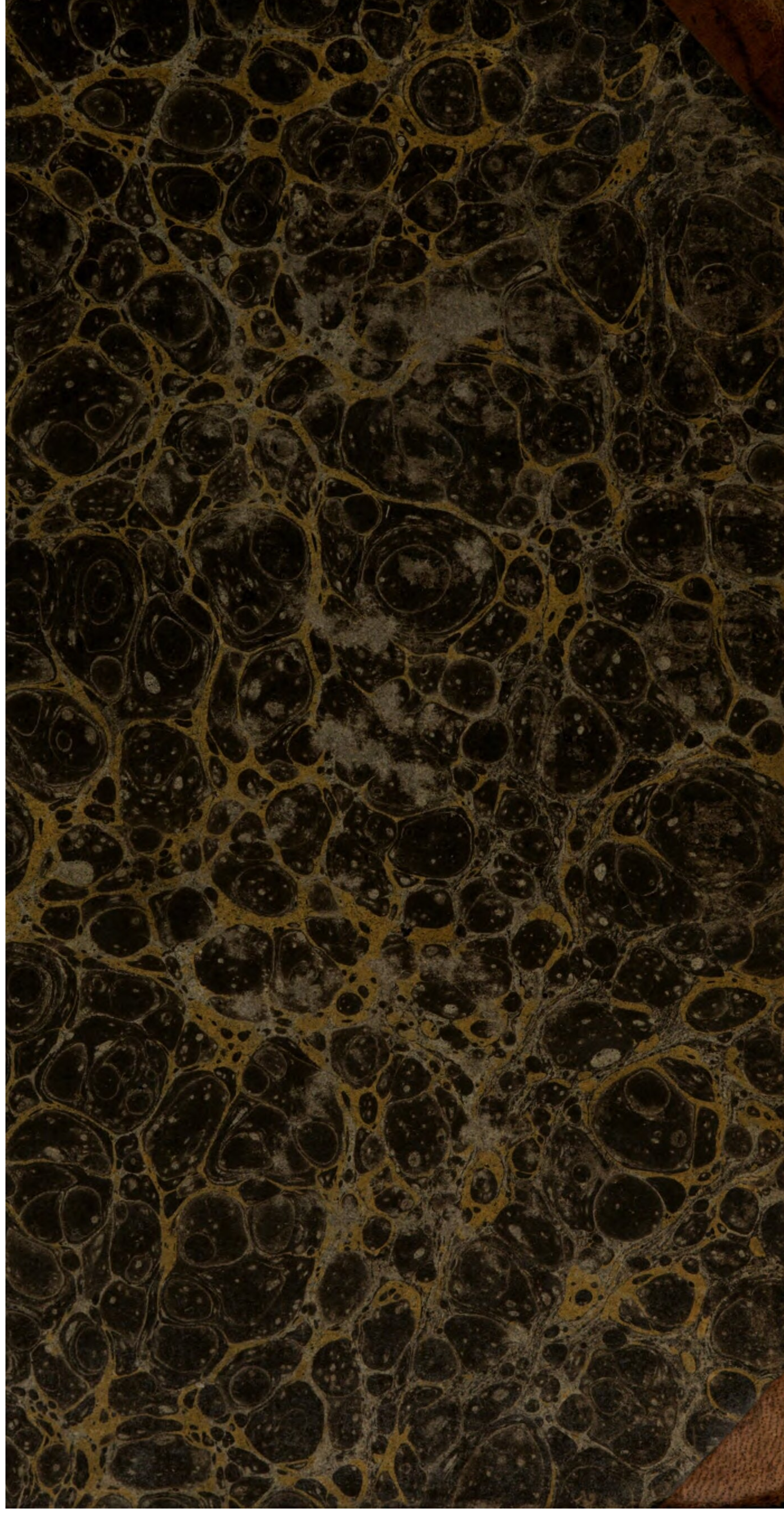




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THE
HISTORY
OF THE
PROGRESS AND TERMINATION
OF THE
ROMAN REPUBLIC.

By ADAM FERGUSON, LL. D.

PROFESSOR OF MORAL PHILOSOPHY IN THE
UNIVERSITY OF EDINBURGH.

A NEW EDITION.

VOL. II.

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ROMANS AND THEIR
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VOL. II

BY
J. G. VOSS
OF
MUNICH

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THE
HISTORY
OF THE
PROGRESS AND TERMINATION
OF THE
ROMAN REPUBLIC.

BOOK II.

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State, Manners, and Policy of the Times. — Repeated Complaints from Carthage. — Hostile Disposition of the Romans. — Resolution to remove Carthage from the Coast. — Measures taken for this Purpose. — Carthage besieged. — Taken and destroyed. — Revolt of the Macedonians. — Their Kingdom reduced to the Form of a Roman Province. — Fate of the Achaean League. — Operations in Spain. — Conduct of Viriathus. — State of Numantia. — Blockade of Numantia. — Its destruction. — Revolt of the Slaves in Sicily. — Legal Establishments and Manners of the City.

THE reduction of Macedonia was in many respects a remarkable æra in the history of Rome. Before this date Roman citizens had been treated

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B O O K as subjects, and permitted themselves to be taxed.
II. They were required at every census to make a return of their effects upon oath, and, besides other stated or occasional contributions to the public, paid a certain rate on the whole value of their property. But upon this event they assumed more entirely the character of sovereigns; and, having a treasury replenished with the spoils of that kingdom, exempted themselves from their former burdens.

The accession of wealth, said to have put them in this condition, is variously reported. Livy quotes Valerius Antias as stating it at *millies ducenties*, or about a million sterling; Velleius Paterculus states it at double this sum, and Pliny at somewhat more¹. But the highest of these computations scarcely appears adequate to the effect supposed. It is more likely that the ordinary income of the treasury, consisting of the sums so frequently deposited at the triumphs of victorious leaders, the tributes received from Carthage and Syria, the rents of Campania, the tithes of Sicily and Sardinia, with the addition of the revenue recently constituted in Macedonia, put the Romans at last in condition to exempt themselves from taxation; an effect which no perishing capital placed at once in their coffers could be supposed to produce. The Roman treasury, when examined about ten years after this date, was found to contain, in bars of gold and silver, and in coin, not much

¹ Velleius, lib. i. c. 9. Plin. lib. xxxiii. c. 3.

more than half a million sterling²: a sum which, without a proper and regular supply, must have been soon exhausted.

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I.

From the conclusion of the war with Perseus, the Romans, for twenty years, do not seem to have been engaged with any considerable enemy; and their numerous colonies, now dispersed over Italy, from Aquileia to Rhegium, probably made great advances, during this period, in agriculture, commerce, and the other arts of peace. Among their public works are mentioned, not only temples and fortifications, particulars in which men attain to magnificence even in rude ages, but likewise aqueducts, market-places, pavements, high-ways, and other conveniencies, the preludes or attendants of wealth and commerce.

Cato, in pleading against the repeated election of the same person into the office of Consul, exclaimed against the luxury of the times, and alleged, that so many citizens could not support their extravagance by any other means than that of draining the provinces by virtue of their repeated appointments to command. "Observe," he said, "their villas how curiously built, how richly furnished with ivory and precious wood. Their very floors are colored or stained in the Punic fashion³."

² Plin. lib. xxxiii. c. 3. In gold 16,810 Æ. in silver 22,070 Æ. and in coin 620,854,000 H. S. Arbuthnot of Ancient Coins.

³ Vid. Pompeium Festum.

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Lex Annalis.

The Romans had formerly made laws to fix the age at which citizens might be chosen into the different offices of State*. And on the occasion on which Cato made this speech, they excluded the same person from being repeatedly chosen. They likewise made those additions to former sumptuary laws which have been already mentioned. The Census, or enrolment of the People, began to be made with more care than formerly: even the Latin allies, though migrating to Rome, were excluded from the rolls[†]; and the people generally mustered from three to four hundred thousand men.

While the Romans had no war to maintain with the more regular and formidable rivals of their power, they still employed their legions on the frontier of their provinces in Spain, Dalmatia, Liguria, and on the descents of the Alps. They opened, for the first time, an intercourse with the Transalpine nations, in a treaty of alliance with the republic of Marseilles; in consequence of which, they protected that mercantile settlement from the attacks of fierce tribes, who infested them from the maritime extremities of the Alps and Appenines. They were in general the umpires in the differences

* It appears that, by this law, being Questors at thirty-one, they might rise to the consulate at forty-three.

[†] Plutarch, in the life of Flamininus, mentions a law by which the Censors were obliged to enrol every freeman that offered. The Latins complained, that their towns were depopulated by emigrations to Rome. Liv. lib. xli. c. 8.

of nations, gave audience in all their complaints, interposed with their forces as well as authority, and disposed of provinces and kingdoms at their pleasure. They kept a vigilant eye on the conduct and policy of all the different powers with whom they were at any time likely to be embroiled, and generally conducted their transactions with independent nations as they adjusted the first settlement of their own acquisitions, by commission and deputations sent from the Senate to decide, with the least possible delay, on such matters as might arise in the place to which their deliberations referred.

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The number of commissioners employed in these services, for the most part, was ten. These took informations, formed plans, and made their reports for the final decision of the Senate, and, by the frequency of these appointments, it appears that the members of the Senate, in rotation, had an opportunity of becoming acquainted with that world which they were destined to govern.

The Senate itself, though, from its numbers and the emulation of its members, likely to embarrass affairs by debate, delay, and the rash publication of all its designs, in reality possessed all the advantages of decision, secrecy, and dispatch, that could be obtained in the most select executive council. This numerous assembly of Roman statesmen appear to have maintained, during a long period, one series of consistent and uniform designs; and kept their intentions so secret, that their resolutions, for the most part, were known only by the execution.

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The king of Pergamus made a journey to Rome, in order to excite the Romans to a war with his rival, the king of Macedonia. He preferred his complaints in the Senate, and prevailed on this body to resolve on the war; but no part of the transaction was public, till after the king of Macedonia was a prisoner at Rome*.

During the present respite from any considerable war, the Romans balanced the kingdoms of Pergamus, Bithynia, and Cappadocia, against each other, in such a manner as to be able, at pleasure, to oppress any of those powers that should become refractory or formidable to their interest.

They made the kingdom of Syria devolve on a minor, the son of Antiochus; and, under the pretence of this minority, sent a commission to take charge of the kingdom. But their commissioners were, with the connivance of the court, assaulted in a riot at Antioch; some of them were killed, and others forced to fly from the country.

Demetrius, the son of Seleucus, who ought to have succeeded to his father in the monarchy of Syria, being, at the death of that prince, an hostage at Rome, had been supplanted by his younger brother, the father of that minor prince who was now acknowledged by the Romans.

Upon the insult that had been thus offered to the Roman commission at Antioch, Demetrius thought it a favorable opportunity to urge his claim, and to prevail on the Senate to restore him to the

* Valer. Maxim. lib. ii. c. 2.

succession of his father's crown: but these crafty usurpers, notwithstanding the offence they had received from those who were in possession of the monarchy, preferred the advantages which they had over a minor king, to the precarious affection or gratitude of an active spirited prince, educated at Rome, and taught by their own example to know his interest; and they accordingly denied his request.

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I.

Demetrius, however, made his escape from Rome, and, by the death of the minor and his tutor, got unrivalled possession of the kingdom of Syria. To pay his court to the Romans, as one of the first acts of his reign, he sent the murderer of their late commissioner, Octavius, in chains, to be punished at their discretion. But the Senate disdained to wreck their public wrongs on a private criminal; or, having cause of complaint against the nation itself, were not to be satisfied with the punishment of a single person. They suffered the prisoner, as beneath their attention, to depart.

As patrons of the kingdom of Egypt, they promoted the division of that country between the two brothers, who were then joined in the sovereignty, and rivals for the sole possession of the throne⁷.

During the dependance of these transactions, the Senate had repeated complaints from Africa, which ended in a war that proved fatal at last to

⁷ Polyb. Excerptæ Legationes.

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the ancient rivals of their power. In the conduct of this war, being now less dependent than formerly on the opinion of the world, they, contrary to their usual pretensions to national generosity and liberality, sacrificed, without reserve, entire nations to the ambition; or to the meanest jealousy, of their own republic^a.

The province of Emporiæ, a district lying on the coast, and the richest part of the Carthaginian territory, had been violently seized by Gala, king of Numidia, and father of Massinissa. It had been again restored by Syphax, when he supplanted the family of Gala on the throne of that kingdom; but now again usurped by Massinissa on recovering the crown by the power of the Romans, to whose favor he trusted; and the Carthaginians, precluded by the late treaty from making war on any ally of the Romans, had recourse to complaints and representations, which they made at Rome, both before and after the reduction of Macedonia. The Roman Senate had, for five-and-twenty years, eluded these complaints, and, during this time, was in the practice of sending commissioners into Africa, under pretence of hearing the parties in this important dispute, but with instructions or dispositions to favor Massinissa, and to observe, with a jealous eye, the condition and the movements of their ancient rival^b.

The Carthaginians, yet possessed of ample

^a Polyb. Excerptæ Legationes. N°. 142.

^b Ibid. c. 118. Liv. lib. xl. c. 17.

resources, and, if wealth or magnificence could constitute strength, still a powerful nation; being weary of repeated applications, to which they could obtain no satisfying answer, took the resolution to arm, and to assert by force their claim to the territory in question.

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I.

They were met in the field by the army of Massinissa, commanded by himself, though now about ninety years of age, and were defeated¹.

This unfortunate event disappointed their hopes, and exposed them to the resentment of the Romans, who considered the attempt they had made to do themselves justice, as a contravention of the late treaty, and a departure from the articles of peace between the two nations.

The expediency of a war with Carthage had been for some time a subject of debate in the Roman Senate. Deputies had been sent into Africa, to procure the information that was necessary to determine this question. Among these Cato, being struck with the greatness, wealth, and populousness of that republic, and with the amazing fertility of its territory, when he made his report in the Senate, carried in his lap a parcel of figs which he had brought from thence. "These," he said, "are the produce of a land that is but three days sail from Rome. Judge what Italy may have to fear from a country whose produce is so much superior to its own. That country is now in arms; the sword is drawn against Massinissa;

¹ Liv. Epitome, lib. xlviii. Appian de Bell. Punic. p. 38.

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II. " you. Your boasted victories have not subdued
" the Carthaginians, but given them experience,
" taught them caution, and instructed them how
" to disguise, under the semblance of peace, a
" war which you will find marshalled against you
" in their docks and in their arsenals." This, and
every other speech on this subject, Cato concluded
with his famous saying; " That Carthage should
" be destroyed "¹¹."

Scipio Nasica, another speaker in this debate, contended for peace. He represented the forces of Carthage as not sufficient to alarm the Romans; or, if really greater than there was any reason to suppose them, no more than were requisite to exercise the virtues of a people who had already, for want of proper exertion, begun to suffer some abatement in their vigilance, discipline, and valor.

In this diversity of opinions, it appeared soon after, that the Senate took a middle course, resolved not to destroy, but to remove the inhabitants of Carthage to a new situation, at least ten miles from the sea ¹².

The Carthaginians, after their late unfortunate adventure with Massinissa, were willing to preserve their effects, and to purchase tranquillity by the

¹¹ Delenda est Carthago.

¹² Appian in Punicis. Plutarch in Vit. Catonis. Zonaras, lib. ix. c. 26. Oros. lib. iv. c. 22. Velleius, lib. i. c. 12. Polyb. Excerptæ Legationes, No. 142.

lowest concessions. But as the measure now proposed by the Roman Senate, amounted to a deprivation of all that property which is vested in houses or public edifices, and an entire suppression of all those local means of subsistence which could not be easily transferred, it was not supposed that their consent could be easily obtained, and it was accordingly resolved to keep the design a secret, until effectual means were prepared for its execution.

C H A P.

I.

The Consuls, without any declaration of war, were instructed to arm, and to pass with their forces into Sicily. As their arrival on that island, which was then in a state of profound peace, evidently implied a design upon Africa, the people of Utica, that they might have the merit of an early declaration in favor of the Romans, sent a deputation to make them a tender of their port and town, as a harbour and place of arms for the accommodation of their forces. The Carthaginians were distracted with opposite counsels. They laid the blame of the war with Massinissa on Hasdrubal and his abettors, whom they ordered into exile; but, without coming to any other resolutions, sent a deputation, with full powers to conclude as circumstances might seem to require, and agree to whatever they should find most expedient for the commonwealth. These deputies, on their arrival at Rome, finding no disposition in the Senate to treat with them upon equal terms, resolved to arrest, by the most implicit submission, the sword that was lifted up against their country. They

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accordingly confessed the imprudence of their late conduct, and implored forgiveness. They quoted the sentence of banishment passed upon Hasdrubal and his party, as an evidence of their contrition for the hostilities lately offered to Massinissa; and they made a formal surrender of their city and its territory to be disposed of at the pleasure of the Romans.

In return to this act of submission, they were told, that the Romans approved their behaviour, and meant to leave them in possession of their freedom, their laws, their territory, and of all their effects, whether private or public: but, as a pledge of their compliance with the measures that might be necessary to prevent the return of former disputes, they demanded three hundred hostages, the children of Senators, and of the first families in Carthage. This demand being reported in the city gave a general alarm; but the authors of these counsels were too far advanced to recede. They tore from the arms of their parents the children of the first families in the commonwealth; and, amidst the cries of affliction and despair, embarked those hostages for Sicily. Upon this island they were delivered over to the Roman Consuls, and were by them sent forward to Rome.

The commanders of the Roman armament, without explaining themselves any further, continued their voyage, and, by their appearance on the coast of Africa, gave a fresh alarm at Carthage. Deputies from the unfortunate inhabitants of that place went to receive them at Utica, and

were told, that they must deliver up all their arms, ships, engines of war, naval and military stores. Even these alarming commands they received as the strokes of fate, which could not be avoided: "We do not mean," said one of the deputies, "to dispute your commands; but we entreat you to consider, to what a helpless state you are about to reduce an unfortunate people, who, by this hard condition, will be rendered unable to preserve peace among their own citizens at home, or to defend themselves against the meanest invader from abroad. We have banished Hasdrubal in order to receive you: we have declared him an enemy to his country, that you might be our friends: but when we are disarmed, who can prevent this exile from returning to occupy the city of Carthage against you? With twenty thousand men that follow him, if he comes into the direction of our government, he will soon oblige us to make war on you". In answer to this piteous expostulation, the Roman generals undertook the protection of Carthage, and ordered commissaries to receive the several articles that were to be delivered up, and to see the arsenals and the docks destroyed.

It is reported, that there were delivered up to these commissaries forty thousand suits of armour twenty thousand catapultæ, or large engines of war, with a plentiful store of darts, arrows, and other missiles.

¹³ Polyb. Excerpt. Legat. c. 142.

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II.

So far the Romans proceeded with caution, well knowing the veneration which mankind entertain for the seats and tombs of their ancestors, with the shrines and consecrated temples of their gods; and dreading the effects of despair, as soon as the Carthaginians should perceive how much they were to be affected in their private and public property. But now, thinking their object secure, they proceeded to declare their intentions. The Consul called the Carthaginian deputies into his presence, and beginning with an exhortation, that they should bear with equanimity what the necessity of their fortune imposed, intimated, as the definitive resolution of the Roman Senate, that the people of Carthage should relinquish their present situation, and build on any other part of their territory, not less than eighty stadia, or about ten miles, removed from the sea. The amazement and sorrow with which these orders were received, justified the precautions which the Romans had taken to secure the execution of them. The deputies threw themselves upon the ground, and endeavoured, from motives of pity, or of reason, to obtain a revocation of this cruel and arbitrary decree. They pleaded the merit of their implicit submission, their weakness, their inability any longer to alarm the jealousy of Rome, circumvented, disarmed, bound to their duty by hostages, the most precious blood of their commonwealth. They pleaded the faith which was plighted by the Romans, the hopes of protection they had given, and the reputation they had justly acquired, not only for national justice,

but for clemency and generosity to all who sued for mercy. They pleaded the respect which all nations owed to the shrines and the consecrated temples of their gods; the deplorable state into which numbers of their people must be reduced, expelled from their habitations and immoveable possessions, the principal articles of their property, and the hopeless condition of others, who inured to subsist by the advantages of a maritime situation, were entirely disqualified to support themselves or their children at a distance from the sea.

The Roman Consul replied by repeating the express orders of the Senate, and bid the Carthaginians remember, that the states were composed of men, not of ramparts and walls. That the Roman Senate had promised to spare and protect the republic of Carthage; and that they had fulfilled this engagement by leaving the people in possession of their freedom and their laws. That the sacred places should remain untouched, and that the shrines of the gods would still be within the reach of their pious visits. That the distance to which it was proposed to remove Carthage from the sea was not so great as the distance at which Rome herself was situated from it; and that the Romans had taken their resolution, that the people of Carthage should no longer have under their immediate view that element which opened a way to their ambition, had tempted them first into Sicily, afterwards into Spain, and last of all into Italy, and to the gates of Rome, and which would never cease to suggest projects dangerous to them-

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B O O K selves, and inconsistent with the peace of mankind.

II. “ We go then ,” said the deputies of Carthage ,
“ to certain death , which we have merited by
“ having persuaded our fellow-citizens to resign
“ themselves into the hands of the Romans. But if
“ you mean to have your commands obeyed , you
“ must be ready to enforce them ; and by this
“ means you may save an unfortunate people from
“ exposing themselves , by any act of despair , to
“ worse sufferings than they have yet endured. ”

The deputies accordingly , being followed at a distance by twenty galleys of the Roman fleet , set sail for Carthage. They were received on the shore by multitudes , who crowded to hear the result of their negotiations ; but the silence they preserved under pretence that it was necessary to make their report first to the Senate , spread a general dismay. In the Senate their message was received with cries of despair , which soon conveyed to the people in the streets a knowledge of the conditions imposed upon them. And this nation , who , about forty years before , had consented to betray their principal citizen into the hands of their enemy , and who had lately resigned all the honors and pretensions of a free state , now kindled into rage at the thoughts of being obliged to forego so great a part of their wealth , and to remove their habitations. They burst into the place where the Senate was assembled , and laid violent hands on all the members who had advised or borne any part in the late degrading submissions , or who had contributed to bring the state into its present helpless condition.

condition. They took vengeance, as is common with a corrupted populace, on others, for faults in which they themselves had freely concurred; and, as awake to new sentiments of honor, they reviled the spirit of their own commonwealth, ever ready to barter national character for profit, to purchase safety with shameful concessions, and to remove a present danger, by giving up what is the only security of nations against any danger, the reputation of their vigor, and the honor of their arms.

While the multitude indulged themselves in every species of riot, a few had the precaution to shut the gates, to stretch the chain which protected the entrance of the harbour, and to make a collection of stones on the battlements, these being the only weapons they had left to repel the first attacks of the Romans. The remains of the Senate too, without reflecting on the desperate state of their affairs, resolved on war. Despair and frenzy succeeded in every breast to dejection and meanness.

Assemblies were called to reverse the sentence of banishment lately pronounced against Hasdrubal, and against the troops under his command. These exiles were entreated to hasten their return for the defence of a city bereft of arms, ships, military and naval stores. The people, in the mean time, with an ardor which reason, and the hopes of success during the prosperity of the republic could not have inspired, endeavoured to replace the arms and the stores which they had so shamefully surrendered. They demolished their houses to

18 THE PROGRESS AND TERMINATION

BOOK supply the docks with timber. They opened the
II. temples and other public buildings to accommodate the workmen ; and , without distinction of sex , condition , or age , became laborers in the public works , collected materials , furnished provisions , or bore a part in any labor that was thought necessary to put the city in a state of defence. They supplied the founders and the armourers with the brass and iron of their domestic utensils ; or , where these metals were deficient , brought what they could furnish of silver and gold. They joined , with the other materials which were used in the roperies , their hair to be spun into cordage for the shipping , and into braces for their engines of war.

The Roman Consuls , apprized of what was in agitation , willing to await the returns of reason , and to let these first ebullitions of frenzy subside , for some days made no attempts on the city. But hearing of the approach of Hasdrubal , they thought it necessary to endeavour , before his arrival , to possess themselves of the gates. Having in vain attempted to scale the walls , they were obliged to undergo the labors of a regular siege ; and though they made a breach , were repulsed in attempting to force the city by storm.

Hasdrubal had taken post on the creek which separated the peninsula of Carthage from the continent , maintained his communication by water , and supplied the inhabitants with provisions and arms. The Romans , seeing that they could not reduce the city while Hasdrubal retained this post ,

endeavoured to dislodge him, but were defeated, and obliged to raise the siege. They had already spent two years in this enterprize, changed their commanders twice, but without advancing their fortunes. They began to incur the discredit of having formed against a neighbouring commonwealth an invidious design which they could not accomplish. Enemies in every quarter, Greece, Macedonia, and Spain, were encouraged to declare against them: and even Massinissa, unwilling to see their power substituted for that of Carthage, and jealous of the avidity with which they endeavoured to become masters in Africa, and to snatch from his hands a prey in which he thought himself entitled to share, withdrew his forces, and left them singly to contend with the difficulties in which they began to be involved.

But the Romans were animated by those mortifications which are apt to discourage other nations. They imputed the miscarriage of their troops to the misconduct of their generals; and they clamored for a better choice. Scipio, by birth the son of Emilius Paullus, and by adoption the grandson of Scipio Africanus, having distinguished himself in Spain and in Africa, and being then arrived from the army to solicit the office of Edile, was thought worthy of the supreme command; but being about ten years under the legal age, the law was suspended in his favor, and his appointment to the province of Africa, in preference to his colleague, was declared without the usual method of casting lots.

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II.

The Carthaginians were now reinstated in their consideration, and in their rank among nations, and had negociations with the neighbouring powers of Mauritania and Numidia, whose aid they solicited with alarming reflections on the boundless ambition, and invidious policy of the Romans. They even conveyed assurances of support to the Achæans, to the pretended Philip, an impostor, who, about this time, laid claim to the throne of Macedonia; and they encouraged with hopes of assistance the subjects of that kingdom, who were at this time in arms to recover the independence of their monarchy.

The mere change of the commander, and better discipline in the Roman army, however, soon altered the state and prospects of the war. The first object of Scipio was to cut off the communications of the Carthaginians with the country, and to intercept their supply of provisions and other articles necessary to withstand a siege.

Carthage was situated at the bottom of a spacious bay, covered on the west by the promontory of Apollo, on the east, by that of Hermes or Mercury, at the distance of about fifteen leagues from each other. The city stood on a peninsula joined to the main land by an isthmus about three miles in breadth, and covering a basin or harbour, in which their docks and their shipping were secured from storms and hostile attacks. The Byrsa, or citadel, commanded the isthmus, and presented, at this only entrance to the town by land, a wall thirty feet thick and sixty feet high. The whole

circumference of the place was above twenty miles¹⁴. CHAP. I.

The besiegers, by their shipping, had access to that side of the town on which the walls were washed by the sea; but were shut out from the harbour by a chain which was stretched across the entrance. Hasdrubal had taken post on the basin over against the town, and by these means still preserved the communication of the city with the country. Scipio, to dislodge him from this post, made a feint at a distant part of the fortifications to scale the walls, actually gained the battlements, and gave an alarm which obliged the Carthaginian general to throw himself into the city. Scipio, satisfied with having obtained this end, took possession of the post which the other had abandoned; and being now master of the isthmus, and the whole continental side of the harbour, advanced to the walls of the Byrsa. In his camp he covered himself as usual with double lines; one facing the fortifications of the enemy, consisting of a curtain twelve feet high, with towers at proper intervals, of which one in the centre was high enough to overlook the ramparts, and to afford a view of the enemy's works. The other line secured his rear from surprise on the side of the country; and both effectually guarded the isthmus, and obstructed all access to the town by land.

The besieged, however, still received some supply of provisions by sea; their victuallers took the

¹⁴ Orosius, lib. iv. c. 22. Liv. Epitome, lib. li.

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benefit of every wind that blew fresh and right into the harbour, to pass through the enemy's fleet, who durst not unmoor to pursue them; and Scipio, to cut off this resource, projected a mole from the main land to the point of the peninsula across the entrance of the harbour. He began to throw in his materials on a foundation of ninety feet, with an intention to contract the mound as it rose to twenty-four feet at the top. The work, when first observed from Carthage, was considered as a vain undertaking; but when it appeared to advance with a sensible progress, gave a serious alarm.

The Carthaginians, to provide against the evils which they began to foresee from this obstruction at the entrance of their harbour, undertook a work more difficult, and more vast than even that of the besiegers, to cut across the peninsula within their walls, and to open a new passage to the sea; and this they had actually accomplished by the time that the other passage was shut. Notwithstanding the late surrender of all their shipping and stores, they had at the same time, by incredible efforts, assembled or constructed a navy of sixty gallies. With this force they were ready to appear in the bay, while the Roman ships lay unmanned and unrigged, secure against any danger from an enemy whom they supposed shut up by impenetrable bars; and in these circumstances, if they had availed themselves of the surprise with which they might have attacked their enemy, must have done great execution on the Roman fleet. But having spent no less than two days in clearing their new passage

after it was known to be open, and in preparing for action, they gave the enemy likewise full time to prepare. On the third they engaged, fought the whole day without gaining any advantage; and, in their retreat at night, suffered greatly from the enemy, who pressed on their rear.

C H A P.

I.

While the besiegers endeavoured to obstruct this new communication with the sea, the besieged made a desperate attempt on their works by land. A numerous body of men, devoting their lives for the defence of their country, without any arms, and provided only with matches, crossed the harbour, and, exposing themselves to certain death, set fire to the engines and towers of the besiegers; and, while they were surrounded and put to the sword, willingly perished in the execution of their purpose.

In such operations the summer elapsed; and Scipio, with the loss of his engines, and a renewal of all the difficulties which he had formerly to encounter at sea, contenting himself with a blockade for the winter, discontinued the siege.

His command being prolonged for an other year, he resumed his attack in the spring; and, finding the place greatly reduced by despair and famine, he forced his way by one of the docks, where he observed that the battlements were low and unguarded. His arrival in the streets did not put him in possession of the town. The inhabitants, during six days, disputed every house and every passage, and successively set fire to the buildings whenever they were obliged to abandon them. Above fifty

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BOOK thousand persons of different sexes, who had taken
II. refuge in the citadel, at last accepted of quarter, and were led captive from thence in two separate divisions, one of twenty-five thousand women, and an other of thirty thousand men.

Nine hundred deserters, who had left the Roman army during the siege, having been refused the quarter which was granted to the others, took post in a temple which stood on an eminence, with a resolution to die with swords in their hands, and with the greatest effusion of blood to their enemies. To these Hasdrubal, followed by his wife and his children, joined himself; but not having the courage to persist in the same purpose with these deserters, he left the temple, and accepted of quarter. His wife, in the mean time, with more ferocity or magnanimity than her husband, laid violent hands on her children, and, together with their dead bodies, threw herself into the flame of a burning ruin. The deserters too, impatient of the dreadful expectations which they felt, in order to hasten their own fate, set fire to the temple in which they had sought a temporary cover, and perished in the flames.

The city continued to burn during seventeen days; and all this time the soldiers were allowed to seize whatever they could save from the flames, or wrest from the hands of the dying inhabitants, who were still dangerous to those who approached them. Scipio, in beholding this melancholy scene, is said to have repeated from Homer two lines containing a prophecy of the fall of Troy. "To whom do

“ you now apply this prediction ? ” said Polybius, C H A P.
 who happened to be near him ; “ To my own I.
 “ country ”, he said, “ for her too I dread in her
 “ turn the reverses of human fate ”.¹⁵ ”

Scipio's letter to the Senate is said to have contained no more than these words : “ Carthage is, “ taken. The army waits for your further orders. ” The tidings were received at Rome with uncommon demonstrations of joy. The victors, recollecting all the passages of their former wars, the alarms that had been given by Hannibal, and the irreconcilable antipathy of the two nations, gave orders to rase the fortifications of Carthage, and even to destroy the materials of which they were built.

A commission was granted by the Senate to ten of its members to take possession of territories which were thus deprived of their sovereign, to model the form of this new province, and to prepare it for the reception of a Roman governor. And thus Carthage, the only instance in which the human genius ever appeared greatly distinguished in Africa ; the model of magnificence, the repository of wealth, and one of the principal states of the ancient world, was no more. The Romans, incited by national animosity, and an excess of jealousy, formed a design more cruel towards their rival than at first view it appeared to be, and in the execution of it became actors in a scene of

¹⁵ For the history of the destruction of Carthage, see the authors above cited, Vol. I. p. 300.

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horror far beyond their original intention. By the milder law and practice of modern nations, we are happily exempted from the danger of ever seeing such horrid examples repeated, at least in any part of the western world.

While the event of this mighty siege was still in dependance, the Romans had other wars to maintain on the side of Macedonia and Greece, where the natural progress of their policy, suited to the measures which they had taken with other nations, now ended in the open and avowed usurpation of a sovereignty which they had long disguised under the specious titles of alliance and protection.

Macedonia being ill fitted to retain the republican form into which it had been cast by the Romans, after some years of distraction, and an attempt at last in favor of a pretended son of the late king, to recover its independence and its monarchy, underwent a second conquest.

Andriscus, an African of uncertain extraction, being observed to resemble the royal family of Macedonia, had the courage, under the name of Philip, to personate a son of that unfortunate monarch, and to make pretensions to the crown. With this object in view he went into Syria to solicit the aid of Demetrius, but was, by this prince, taken into custody, and transported in chains to Rome. The Romans paid little regard to so contemptible an enemy, and even allowed him to escape. After this adventure, the same impostor appeared a second time in Macedonia, and, with better fortune than he had in the first attempt, drew to his

standard many natives of that country and of Thrace. In his first encounter he even defeated Juventius the Roman Prætor, and was acknowledged king; but soon after fell a prey to Metellus, and furnished the Romans with an obvious pretence for reducing the kingdom of Macedonia to the ordinary form of a province.

CHAP.
I.

The states of the Achæan league, at the same time, being already on the decline, hastened, by the temerity and distraction of their own councils, the career of their fortunes to the same termination.

The Romans, even while they suffered this famous republic to retain the show of its independence, had treated its members in many particulars as subjects. At the close of the war with Perseus, they had cited to appear at Rome, or taken into custody as criminals of state, many citizens of Achaia, who had, in that contest, appeared to be disaffected to the Roman cause. Of these they had detained about a thousand in different prisons of Italy, until, after a period of seventeen years, about three hundred of them, who survived their confinement, were set at liberty, as having already suffered enough; or as being no longer in condition to give any umbrage to Rome³⁶. Polybius being of this number, acquired, during his stay in Italy, that knowledge of Roman affairs which appears so conspicuous in the remains of his history. When at liberty, he attached himself to Scipio, the

³⁶ Pausanias in Achaicis.

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son of Emilius, and being well versed in the active scenes which had recently past in his own country, and being entirely occupied with reflections on matters of state and of war, no doubt contributed by his instructions in preparing this young man for the eminent services which he afterwards performed.

The Romans, while they detained so many Greek prisoners in Italy, in a great measure assumed the administration of affairs in Greece, disposed of every distinction, whether of fortune or power, and confined these advantages to the advocates of their own cause, and to the tools of their own ambition¹⁷. They received appeals from the judgments of the Achæan council, and encouraged its members, contrary to the express conditions of their league, to send separate embassies to Rome. The steps which followed are but imperfectly marked in the fragments of history which relate to this period. It appears that the Spartans, having been forced into the Achæan confederacy, continued refractory in most of its councils. By some of their complaints at Rome, they obtained a deputation, as usual, from the Senate to hear parties on the spot, and to adjust their differences. The Achæan council, incensed at this insult which was offered to their authority, without waiting the arrival of the Roman deputies, proceeded to enforce their own decrees against the republic of Sparta, marched an army into Laconia, and defeated

¹⁷ Polyb. Excerpt. Legat. c. 103.

with some slaughter, at the gates of Lacedemon, the inhabitants of that city who ventured to oppose them. The Roman commissioners arriving after these hostilities had commenced, summoned the parties to assemble at Corinth, and, in name of the Senate, gave sentence, that Lacedemon, Corinth, Argos, Heraclea, and Orchomenos, not having been original members of the Achæan confederacy, should now be disjoined from it; and that all the cities which had been rescued from the dominion of Philip, should be left in full possession of their freedom and independence.

Multitudes from all the different states of the league being on this occasion assembled at Corinth, a great riot ensued. The Roman deputies were insulted and obliged to leave the place; and in this manner commenced a war in which the Romans, because they hoped to establish their sovereignty in Greece without any convulsion, and had full employment for their forces in Africa, Spain, and Macedonia, engaged with great reluctance. They renewed their commission, and named other deputies to terminate the disputes in Achaia; but the states of the Achæan league, imputing their conduct in this particular to fear, and to the ill state of their affairs in Africa, while Carthage was likely to repel their attack, thought that they had found an opportunity to exclude for ever from their councils the overbearing influence of this arrogant nation¹⁸. They were encouraged with hopes of support from

¹⁸ Polyb. Excerpt. Legat. c. 144.

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BOOK Thebes, Eubœa, and other districts of Greece,
II. where the people were averse to the dominion of the Romans; and they therefore assembled an army to assert their common rights, and to enforce their authority over the several members of their own confederacy.

Unfortunately for their cause, Metellus had then prevailed in Macedonia, and was at leisure to turn his forces against them. He accordingly moved towards the Peloponnesus, still giving the Achæans an option to avert the calamities of war, by submitting to the mandates of the Roman Senate. These, he said, were no more, than that they should desist from their pretensions on Sparta, and the other cantons who applied for the protection of Rome.

But the Achæans thought it safer to resist, than to be disarmed under these stale pretences; they took the field, passed through the isthmus of Corinth, and, being joined by the Thebans, marched to Thermopylæ with a view to defend this entry into Greece. In this, however, they were disappointed, being either prevented from seizing the pass, or driven from thence by Metellus. They were afterwards intercepted in their retreat through Phocis, where they lost their leader Critolaus, with a great part of his army¹⁹. Diæus, who succeeded him as head of the confederacy, assembled a new force, consisting of fourteen thousand foot and six thousand horse, took post on the isthmus

¹⁹ Orosius, lib. v. c. 3. Pausanias in Achaïcis.

of Corinth, and sent four thousand men for the defence of Megara, a place which still made a part in the expiring confederacy of independent Greeks.

C H A P.

I.

Metellus, who after his victory had made himself master of Thebes, advanced to Megara, dislodged the Achæans from thence, and continued his march to the isthmus. Here he was superseded by Mummius, the Consul of the present year, who, with the new levies from Rome, made up an army of twenty-three thousand foot and three thousand five hundred horse. The enemy, having gained an advantage over his advanced guard, were encouraged to hazard a battle under the walls of Corinth, and were defeated. The greater part fled into the town, but afterwards in the night withdrew from that place. Their general Diæus fled from the field of battle to Migalopolis, whither he had sent his family; having killed his wife, to prevent her falling into the hands of the enemy, he himself took poison, and died.

Such are the imperfect accounts which remain of the last efforts made by the Greeks to preserve a freedom, in the exercise of which they had acted so distinguished a part. As they never were surpassed by any race of men in the vigor with which they supported their republican establishments, so they appeared to retain their ingenuity and their skill in many arts, after they had lost the military and political spirit which constitutes the strength and security of nations; and in this latter period, which preceded their extinction, as the Achæan

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league was dissolved on having incurred the resentment of the Romans, so the unhappy remnant of the Spartan republic perished in having accepted their protection. The enmity and the friendship of the Romans being equally fatal, these and every other state or republic of Greece, from this time forward, ceased to be numbered among nations, having fallen a prey to a power, whose force nothing could equal but the ability and the cunning with which it was exerted.

Such at least is the comment which we are tempted, by the conduct of the Romans, on the present occasion, to make on that policy, with which, about fifty years before this date, Flamininus, to detach the Grecian cities from Philip, proclaimed, with so much ostentation at the isthmus of Corinth, general independence, and the free exercise of their own laws to all the republics of Greece. That People when they meant to ingratiate themselves, surpassed every state in generosity to their allies, they gained entire confidence, and taught nations, who were otherwise in condition to maintain their own independence, to rely for protection on that very power from which they had most to fear for their liberties; and in the end, under some pretence of ingratitude or affront, stript of every right those very states who had most plentifully shared in their bounty. In this policy there were some appearances of a concerted design, which was at one time liberal and generous beyond example, at another time cruel and implacable in the opposite extreme, equally calculated to gain or to terrify,

terrify, in the cases to which either species of policy was suited. It is however probable, that they were led by the changing state of their interests, and followed the conjuncture without any previous design. In this sort of conduct the passions are wonderfully ready to act in support of the judgment; and we may venture to admit, that the Romans sometimes felt the generosity which they professed to employ, and of which the belief was so favorable to the success of their affairs. In a different conjuncture, in which they were no longer equally obliged to manage the temper of their allies, they became more impatient of contradiction, and gave way to their resentment on any the slightest occasions, or to their ambition, without control. Their maxim to spare the submissive, and to reduce the proud²⁰, whether founded in sentiment or cunning, was a principle productive of the extremes of generosity and arrogance observed in their conduct, it led them by degrees to assume a superiority in every transaction, and as their power increased, rendered this power proportionally dangerous to other nations.

On the third day after the action which happened in the isthmus of Corinth, the victorious general entered the city; and considering that the inhabitants had a principal part in the late insult offered to the Roman commissioners, determined to strike a general terror into all the members of the league by the severities to be executed against

²⁰ *Parcere subjectis, & debellare superbos.*

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B O O K this people. Mummius, though with the rest of
II. his countrymen of this age, ill qualified to distinguish the elegant workmanship of the Grecian artists ²¹, of which great collections had been made at Corinth, ordered all the statues and pictures to be set apart for his triumph; and with this reserve, gave the town, abounding in all the accommodations and ornaments of a wealthy metropolis, to be pillaged by the soldiers. He rased the walls, and reduced the city to ashes.

Thus Corinth perished in the same year with Carthage. The fortifications of Thebes, and of some other towns disaffected to the Romans, were at the same time demolished; and the arrangements to be made in the country of Greece were committed to deputies from the Roman Senate. By their order, the Achæan league was dissolved, and all its conventions annulled. The states which had composed it were deprived of their sovereignty, subjected to pay a tribute, and placed under the government of a person annually sent from Rome with the title of the Prætor of Achaia ²².

The Romans now appeared openly, perhaps for the first time, in the capacity of conquerors. The acquisition of revenue in Macedonia, which, about twenty years before this date, had first taught

²¹ He delivered them to the masters of ships, with this famous threat, that if any of these curiosities were lost, they should be obliged to replace them.

²² Pausanias, lib. vii. c. 16. Polyb. Excerptæ de Virtutibus & Vitiis.

them to exempt themselves from taxation, excited from thenceforward an insatiable thirst of dominion; and their future progress is marked by the detail of wars which they maintained on their frontier, not in defence of the empire, but for the enlargement of possessions already too great.

C H A P.

I.

In Spain where they still met with resistance, they had acted in all the different periods of their wars, either on the offensive or defensive, according as the State, was or was not, at leisure from the pressure of their enemies, or according as the generals she employed were ambitious or pacific.

On the conclusion of the peace with Philip, the Roman territory in Spain had been divided into two provinces, and furnished the stations of two separate commanders annually sent from Rome. On the renewal of the war in Macedonia, and during the continuance of it, these provinces were again united under one government. But upon the defeat of Perseus, and the reduction of Macedonia, they were separated for ever.

From that time the ambition of the Romans seems to have operated in Spain with the same effect as in other parts on the boundaries of their empire. They pressed upon the natives, not merely to secure their own territory from inroad and depredation, but to gain new accessions of dominion and wealth. They advanced to the Tagus, endeavoured to penetrate the mountains beyond the sources of that river; and on that side involved themselves in a continual struggle of many years duration with the Lusitanians, Gallicians, and Celtiberi.

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II.

In these wars the Roman officers were actuated, by their avarice as well as by their ambition, and were glad of occasions to quarrel with an enemy, amongst whom the produce of rich mines of silver and of gold were known to abound, and where plentiful spoils were so likely to reward their services.

The theatre of the war in Spain was not so conspicuous, nor the conduct of generals so strictly observed, as they were in Africa, Asia, or Greece; and such as were employed in that service, therefore, the more to hasten their conquests, ventured upon acts of treachery or breach of faith with the cantons around them, which the Senate did not commonly avow; and they also ventured upon acts of extortion and peculation in their own governments, which gave occasion to the first complaints of this sort that were brought to Rome.

The Proconsul Lucullus, having accepted of the surrender of a town, and being received into it in consequence of a capitulation, nevertheless put the inhabitants to the sword and carried off their effects. Galba, commanding in Lusitania, or the western province of Spain, soon afterwards circumvented, by a like act of perfidy and cruelty, some of the inhabitants whom he could not otherwise reduce. These examples probably retarded, instead of forwarding, the progress of the Roman arms, and confirmed that obstinate valor with which the natives of Spain disputed every post in defence of their country; and with which they maintained the contest against a succession of Roman Generals,

Prætors, or Consuls, who were employed to subdue them. This contest they continued or renewed, at short intervals, with various success, from the first expedition of the Scipios to the last of Augustus. C H A P.
I.

At the beginning of the last war with Carthage, the Lusitanians, incensed by the act of treachery which was committed by the Roman general, Galba, re-assembled in numerous parties under Viriathus, who had himself escaped from the massacre on that occasion, and who entertained an implacable resentment to the authors of it. This leader, according to the Roman historians, had been originally a herdsman, afterwards a chief of banditti, and last of all the commander of an army which had often defeated the legions of Rome, and threatened their expulsion from Spain. He seems to have known how to employ the impetuous valor of a rude people against troops not less valiant than his own countrymen, though more depending on discipline; and to have possessed what the Spaniards retained, even down to the days of Cæsar, the faculty of turning the want of order to account, against an enemy so much accustomed to order, as, in a great measure, to rely upon it in most of their operations. With him an apparent rout and dispersion of his followers was the ordinary prelude to a violent attack; and he commonly endeavoured, by pretended flights and disorderly movements, to draw the enemy into rash pursuits or precipitant marches, and seized every advantage which they gave him with irresistible address and valor. He continued above ten years

B O O K to baffle all the attempts which the Romans made
II. to reduce Lusitania. He had projected a league and defensive confederacy with the other free nations of Spain, when he was assassinated, as he lay asleep on the ground, by two of his own followers, supposed to be in concert with the Roman general.

The Romans, upon this event, found the western and northern parts of Spain open to their inroads. In little more than a year afterwards a Roman army under Brutus passed the Duero ²³, and penetrated quite to the coast of Gallicia, from which they reported, with more than the embellishments and exaggerations of travellers, that the sun was seen from this distant region, when he set in the evening, to sink and to extinguish himself with a mighty noise in the Western Ocean.

The natives of this country, however, did not think themselves subdued by being thus over-run. They retired, with their cattle and effects, into places of strength, and, when required to pay contributions, replied, That their ancestors had left them swords to defend their possessions, but not any gold to redeem them.

Such were the occupations of the Roman arms in the western division of Spain, while they were equally engaged in the eastern province, under Cato the Elder, Tiberius Gracchus, and others, who endeavoured to secure what the State had already acquired, or to extend its limits. These

²³ Durus.

generals obtained their several triumphs, and joined to the Roman possessions on the coast considerable acquisitions in the inland part of the country. Their progress, however, on this side, had been greatly retarded by the obstinate valor of the Numantians and other cantons of the Celtiberi, who had maintained the contest during fifty years, and at last had formed a general confederacy of all the interior nations of Spain, to be conducted by Viriathus, when their measures were broken by the death of that formidable leader.

Numantia was the principal strong hold, or, as we may conceive it, the capital of a small nation, Their lodgement, or township, was contained within a circumference of about three miles, situated among the mountains of Celtiberia, or Old Castile, and at the confluence of the Durius with an other river, both of which having steep banks, rendered the place, on two of its sides, of very difficult access. It was fortified on the third side with a rampart and a ditch.

The people could muster no more than eight or ten thousand men; but these were greatly distinguished by their valor, reputed superior in horsemanship to every other nation of Spain, and equal to the Romans in the use of the shield and the stabbing sword. They had already gained many victories over the Roman armies which had been employed to reduce them. They had obliged Pompey, one of the Roman generals, contrary to the practice of his country, to accept of a treaty, while the advantage of fortune was against him.

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II.

They obliged the Consul Mancinus to save his army by a capitulation ²⁴. Neither of those treaties indeed were ratified by the Roman Senate. To expiate the breach of the last, the Consul Mancinus, who concluded it, together with Tiberius Gracchus his Questor, were ordered to be delivered up to the hands of the enemy, and to suffer in their own persons for the failure of engagements which they could not fulfil. Tiberius Gracchus appealed to the people, was saved by their favor, and from this time is supposed to have received that bias which he followed in the subsequent part of his political conduct. Mancinus acquiesced in the sentence of the Senate, was presented naked and in fetters at the gates of Numantia, as a sacrifice to the resentment of that nation, for the breach of a treaty which the Romans determined not to observe. But the victim was nobly rejected, and the Numantians insisted on the conditions they had stipulated, saying, that a public breach of faith could not be expiated by the suffering of a private man ²⁵.

These transactions passed about ten years after the destruction of Carthage, and the Romans, mortified with the length and ill success of the war with Numantia, had recourse again to the services of Scipio.

They had formerly dispensed, in his favor, with the law that required a certain age as a

²⁴ Eutropius, lib. iv. c. 8.

²⁵ Appian de Bell. Hispan. p. 302.

qualification for the office of Consul; and now, in order to employ him a second time, they were obliged to suspend another law, which prohibited the re-election of the same person into that office.

Upon the arrival of Scipio in Spain, it is said that he found the Roman army, discouraged by repeated defeats, withdrawn into fortified stations at a distance from the enemy, detesting the hardships of a military camp, indulging themselves in all the vices of a disorderly town, and subject to panics on the slightest alarm. It is said that the cries, the aspect, the painted visage, and the long hair of the Spaniard were become objects of terror ²⁶.

Among the reformatations which Scipio made to restore the vigor of the army, he cleared the camp of its unnecessary followers, amongst whom are mentioned women, merchants, and fortune-tellers; he restricted the quantity of baggage, reduced the furniture of the kitchen to the spit and the pan; and the tables of officers to plain food, roasted or boiled. He prohibited the use of bedsteads in camp, and set the example himself of sleeping on a straw mat, likewise restrained the infantry from the use of horses on the march, and obliged them to carry their own baggage.

Though possessed of superior numbers, he declined a battle, and avoided every route on which the enemy were prepared to receive him; took advantage of a superior address in managing his

²⁶ Florus.

B O O K resources, and damped the ardor of a fierce people
II. by slow operations; he laid waste the country around them, and by degrees obliged them to retire within their own ramparts, and to consume what was raised or provided within the circuit of their walls.

Scipio had been joined on his march to Numantia by Jugurtha, the grandson of Massinissa, who, on this service, made his first acquaintance with the Romans, and brought a reinforcement of twelve elephants, with a considerable body of horse, of archers and slingers. At its arrival the army amounted to sixty thousand men. But Scipio did not attempt to storm the town; he took a number of posts which he successively fortified, and, by joining them together, completed a double line of circumvallation, equal in strength to the walls which were opposed to him. He had his curtains, his towers, his places of arms corresponding to those of the place; and he established an order of service and a set of signals, in case of alarm by day or night, which resembled more the precautions of an army, on its defence, than the operations of a siege. His intention was to reduce the Numantians by famine, an operation of time, during which, from so warlike a nation, he might be exposed to surprise, or to the effects of despair.

The place besieged being at the confluence of rivers navigable with small vessels, which descended with great rapidity on the stream, or which could with the favor of proper winds, even remount in the sight of the enemy. The people,

for a while, procured some supplies by water. Numbers of them swimming with great address, and diving at proper places, to avoid being seen by the besiegers, still passed through the lines, and preserved a communication with the country, until the rivers also were barred across their channels by timbers, that were armed with sword blades and spikes of iron.

The Numantians were still in hopes of succour from their allies. Five aged warriors undertook, each with his son for a second, to pass through the lines of the enemy, and to sue for relief from the neighbouring nations. They succeeded by night in the first part of their attempt, cut down the Roman guard, threw the camp into some confusion, and escaped before the occasion of the alarm was known. But their cause was become desperate, and too likely to involve in certain ruin any friend who embraced it. Their suit, nevertheless, was attended to at Lutia, the head of a small canton, forty miles from Numantia.

The young men of this place took their resolution in favor of the injured Numantians; but Scipio had notice of their intention time enough to prevent its effect. He hastened to the place, and, having accomplished this march of forty miles in eight hours, surprised the inhabitants, had four hundred young men delivered up to him, and ordered their right arms to be struck off. By this dreadful act of severity, he secured himself from any danger on that quarter, and impressed the other states of that neighborhood with terror.

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The Numantians, in the mean time, were pressed with famine, and having no hopes of relief, sent a deputation to try the clemency of their enemy. "What was once a happy state," they said, "content with its own possessions, and secure in the valor of its citizens, is now reduced to great distress, for no other crime than that of having maintained their freedom, and of having defended their wives and children.

"For you," they continued, addressing themselves to Scipio, "who yourself are said to possess so many virtues, it would become you to espouse the cause of this injured nation, and procure to them terms which they could with honor prefer to their present distresses. Their expectations are moderate, for they have felt the reverses of fortune. It is now in your power to receive their submission under any tolerable conditions, or to see them perish in some act of despair, which may prove fatal to many of their enemies, as well as to themselves."

Scipio replied, That he could not grant them any terms; that they must surrender at discretion.

Upon the return of this answer they resumed their former obstinacy, and held out until they had consumed every article of provision, within their walls; endeavoured to turn their shields and other utensils of leather into food, devoured the dead bodies, and even preyed on each other.

The end of this piteous scene is variously reported. By some it is said, that, in the last stage of despair, the Numantians sallied forth to purchase death by

the slaughter of their enemies ; that, in the execution of this purpose, they for some time exposed themselves with the most frantic rage, till the greater part being slain, a few returned into the town, set fire to the houses, and, with their wives and children, perished in the flames ²⁷.

By others it is said, that they agreed to surrender on a certain day, but that when this day came they begged for another ; alleging, that many of their people, yet fond of liberty, had determined to die, and wished for one day more, that they might the more deliberately execute their purpose. Such was the aversion to surrender at discretion, which the fear of captivity, and that of its ordinary consequences among ancient nations, had inspired. The few of this high-minded people who survived the effects of despair, falling into the enemy's hands, were stripped of their arms. Fifty were reserved, as a specimen of the whole, to adorn the victor's triumph. The remainder were sold for slaves, and the walls of their strong hold were levelled with the ground. The prisoners, even after they had laid down their arms and submitted to mercy, retained the ferocity of their looks, and cast on their victors such glances of indignation and rage, as still kept the animosity of enemies awake, and prevented the returns of pity. As these particulars strongly mark the defects which still subsisted in the supposed law of war among ancient nations, the reader will probably bear with

²⁷ Orosius, lib. v. c. 7. Florus, lib. ii. c. 18.

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B O O K. the shock that is given to his feelings of compas-
II. sion, for the sake of the picture which it is necessary to give of the manners of the times.

If we judge of Numantia from the resistance it made to the Roman arms, it having been one of their most difficult conquests, we must consider it as a state of considerable power. Its reduction gave immediate respite from war in Spain. Scipio and Brutus returned nearly together from their provinces in that country, and had their separate triumphs in the same year.

These operations against Numantia, Carthage, Macedonia, and Greece, were accompanied with a revolt of the slaves in Sicily, and with a number of other wars less considerable, in Illyricum, Thrace, and Gaul. Of these the revolt of the slaves merits the greater attention, on account of the view it gives of the state of the countries now under the immediate jurisdiction of Rome. The island of Sicily having been the first acquisition which the Romans made beyond the limits of Italy, had been for some time in a state of domestic tranquillity, and undisturbed by any foreign enemy. Its lands were become the property of Roman citizens, who here, as on their estates in Italy, cultivated plantations to supply with corn, wine, and oil, the markets and granaries of Rome. The labor was performed by slaves. These were led in chains to the fields, or confined in vaults and fortified workhouses at the several tasks they were employed to perform. As the proprietors of land had many reasons to prefer the labor of slaves to

that of freemen, who were distracted by their political engagements, and subject to be called upon or pressed into the military service, the number of slaves continually increased. They were, for the most part, prisoners of war; and some of them being even of high rank, unused to submission, and animated with fierce passions of indignation and scorn, were ready upon every favorable opportunity, to take arms against their masters, and often to shake the state itself with a storm which was not foreseen until it actually burst.

About ten years after the destruction of Carthage, and four years before that of Numantia, this injured class of men were incited to revolt in Sicily by Eunus, a Syrian slave; who, at first, under pretence of religion, and by the fame of miracles he was supposed to perform, tempted many to break from their bondage; traversed the country, broke open the vaults and prisons in which his fellow-sufferers were confined, and actually assembled an army of seventy thousand men. With this force, in four successive campaigns, he made a prosperous war on the Roman Prætors, and often stormed the intrenchments of the Roman camp.

This leader, however, being ill-qualified to improve his victories, and having no concerted plan for the government or subsistence of his followers, in a country that was gradually ruined by their own devastations, was at length, by the caution and superior conduct of Perperna, or Publius Rutilius, gradually circumscribed in his depreda-

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tions, defeated, and obliged to take refuge in Enna, a fortified place, where about twenty thousand of his followers were put to the sword, and the remainder, as an example to deter slaves from the commission of a similar offence, were nailed to the crosses near the most frequented highways, and in the most conspicuous parts of the island.

While the Roman armies were thus employed in the provinces, or on the frontier of their extensive conquests, Italy itself had long enjoyed a perfect security, the lands were cultivated, and the country stocked with people, whether aliens or citizens, freemen or slaves. From about three hundred thousand²⁸, which, in this period, were the ordinary return of the Census, the citizens soon after augmented to above four hundred thousand²⁹; and Scipio, under whose inspection as Censor this return was made, hearing the Crier repeat the prayer which was usual at the closing of the rolls, "That
" the republic might increase in the numbers of its
" people, and in the extent of its territory;" bid him pray that it might be preserved, for it was already great enough. It is probable that, in the view of this sagacious observer, the marks of corruption already began to appear in the capital; and a tree, which still continued for a century to make such vigorous shoots from its branches, already bore some marks of decay in its trunk.

²⁸ Three hundred and twenty thousand.

²⁹ Four hundred and twenty-eight thousand three hundred and forty-two.

The offices of State, and the government of provinces, to which those who had filled them succeeded, began to be coveted from avarice, as well as from ambition. Complaints of peculation and extortion, which were received about this time from Spain and Macedonia, pointed out the necessity of restraining such oppressions, and suggested some penal laws, which were often, and in vain, amended and revived.

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An action was instituted in favor of the provinces, against governors, or their attendants, who should be accused of levying money without the authority of the State, and an ordinary jurisdiction was granted to one of the Prætors, to hear complaints on this subject. The penalty at first was no more than restitution, and a pecuniary fine; it was gradually extended to degradation, and exile.

These reformatations are dated in the time of the last war with Carthage, and are ascribed to the motion of Calpurnius Piso, then one of the Tribunes. Before this time all jurisdiction in criminal matters belonged to the Tribunal of the People, and was exercised by themselves in their collective capacity, or occasionally delegated to a special commission. Few crimes were yet defined by statute, and ordinary courts of justice for the trial of them were not yet established. In these circumstances criminals of state had an opportunity not only to defend themselves after a prosecution was commenced, but likewise to employ intrigue, or exert their credit with the People, to prevent or evade a trial.

U. C. 604.
Lex Calpurnia
de Repetundis.
Questiones
perpetuæ.

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To supply these defects, a list of statutory crimes now began to be made, and an ordinary jurisdiction was established. Besides extortion in the provinces, which had been defined by the law of Calpurnius³⁰, murder, breach of faith, robbery, assault, poisoning, incest, adultery, bribery, false judgment, fraud, perjury, &c. were successively joined to the list; and an ordinary jurisdiction for the trial of such crimes was vested in a jury of Senators, over whom the Prætor, with the title of Quæstor, presided.

The number of Prætors, corresponding to this and other growing exigencies of the State, was now augmented to six; and these officers, though destined, as well as the Consuls, to the command of armies and the government of provinces, began, during the term of their magistracy, to have full occupation in the city. On this account it was not till after the expiration of the year for which they had been elected, that they drew lots for a province. A like policy was soon after adopted in the destination of Consuls, and all the other officers of State, who, being supposed to have sufficient occupation in Italy and Rome during the year of their appointment, were not destined to any foreign service till that year was expired.

With these establishments, calculated to secure the functions of office, the use of the ballot was

³⁰ Parricidium, vis publica, latrocinium, injuria, venificium, incestus, adulterium, captæ pecuniæ, corrupti judicii, falsi, perjurium.

introduced, first in elections, and afterwards in collecting opinions of judges in the courts of justice³¹: a dangerous form of proceeding in constitutions tending to popular licence, and where justice is more likely to suffer from the unawed passions of the lower people, than from any improper influence of superior rank; and where the authority of the wise, and the sense of public shame, were so much required, as principal supports of government.

An occasion for the commission of new crimes is frequently taken from the precautions which are employed against the old. From the facility with which criminal accusations now began to be received, a new species of crime accordingly arose. Calumny and vexatious prosecutions commenced by disappointed competitors against persons in public trust, became so frequent as to require the interposition of laws. On this account it was enacted, upon the motion of Memmius, that all persons in office, or appointed to command in the provinces, might decline answering a criminal charge until the expiration of their term, or until their return from the service to which they were destined³²; and persons of any denomination might have an action of calumny against the author of a false or groundless prosecution. Whoever was convicted of this offence was to be branded in the face with the initials of his crime.

³¹ Lex Gabinia Tabellaria.

³² Lex Memmia de reis postulandis. Lex Cassia Tabellaria.

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U. C. 592.

By these establishments the city of Rome, long resembling a mere military station, made some progress in completing the system and application of her laws. Literary productions, in some of their forms, particularly in the form of dramatic compositions, as hath been already observed, began to be known. The representation of fables was first introduced under pretence of religion, and practised as a sacred rite to avert the plague or some public calamity. This entertainment was fondly received by the People, and therefore frequently presented to them by the Ediles, who had the charge of such matters. Literature, however, in some of its less popular forms, was checked, as a source of corruption. In the year of Rome five hundred and ninety-two, that is, about eight years after the reduction of Macedonia, the Roman Senate, upon a report from M. Pomponius, the Prætor, that the city was frequented by philosophers and rhetoricians, resolved that this officer, agreeably to his duty to the republic, should take care to remove all such persons in the manner his own judgment should direct[”]; and, in about six years after this date, an embassy having come from Athens, composed of scholars and rhetoricians, who drew the attention of the youth by the display of their talents, an uncommon dispatch was given to their business, that they might not have any pretence for remaining too long in the city.

[”] A. Gellius, lib. xv. c. 11.

A propofal which was made during this period, to erect a theatre for the accommodation of the fpectators at their public fhow, was rejected with great indignation, as an attempt to corrupt the manners of the People. The materials which had been collected for this work were publicly fold, and an edict, at the fame time, was published, that no one fhould ever refume this defign, or attempt to place any bench or feat for the accommodation of the fpectators at any theatrical entertainment in the city, or within a mile of its walls ³⁴. It was thought an act of effeminacy, it feems, for the Roman People to be feated; and it is undoubtedly wife, in matters of fmall moment, however innocent, to forbid what is confidered as an evil, and, in remitting eftablifhed feverities, to let the opinion of innocence at leaft precede the indulgence.

The fumptuary laws already mentioned, refpecting entertainments and houfehold expenfes, were, under the name of Didius, the perfon who propofed the renewal of them, revived ³⁵; and, with fome alterations, extended to all the Roman citizens difperfed over Italy.

Such was the antidote which the policy of that age provided, in the capital of a great empire, againft luxury and the oftentation of wealth; diftempers incident to profperity itfelf, and not to be cured by partial remedies. They were by

³⁴ Val. Maxim. lib. ii. c. 4.

³⁵ Lex Didia.

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the Romans (who knew better how to accomplish the celebrated problem of Themistocles, *in making a small state a great one*, than they knew how to explain the effects of its greatness) commonly imputed to some particular circumstance, or accidental event. To the spoils of Tarentum, they said, and of Asia³⁶, to the destruction of our principal rivals the Carthaginians; to the mighty show of statues, pictures, and costly furniture, which were brought by Mummius from Corinth, we owe this admiration of finery, and so prevailing a passion for private as well as for public wealth.

In this manner they explained the effects of a progress which they themselves had made in the acquisition of so many provinces; in the growing security and riches of a mighty city, from which all foreign alarms were far removed; and to which the wealth of a great empire, either in the form of private fortune or of public treasure, began to flow with a continued and increasing stream³⁷.

³⁶ Asia primum devicta luxuriam misit in Italiam. Plin. lib. xxxiii. c. 11.

³⁷ Liv. lib. xxxix. c. 6. Plin. lib. xxxvii. c. 1.

C H A P. II.

Extent of the Roman Empire. — Political Character of its Head. — Facility with which it continued to advance. — Change of Character, political as well as moral. — Character of the People or Commons. — Dangerous Humors likely to break out. — Appearance of Tiberius Gracchus. — His project to revive the Law of Licinius. — Intercession of the Tribune Octavius. — The Republic divided. — Disputes in the Comitia. — Deposition of the Tribune Octavius. — Commissioners appointed for the Division of Lands. Tiberius Gracchus sues to be re-elected Tribune. — His Death. — Immediate Consequences. — Proceedings of Carbo. — Embassy of Scipio. — Foreign Affairs. — Violence of the Commissioners. — Domestic Affairs.

IN the manner that has been summarily stated in the preceding chapters, the Romans completed their political establishment, and made their first and their greatest advances to empire, without departing from the policy by which they had been preserved in the infancy of their power. They were become sovereigns of Macedonia, Greece, Italy, part of Africa, Lusitania, and Spain; yet, even in this pitch of greatness, made no distinction between the civil and military departments, nor gave to any citizen an exemption from the public

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II. in the measures they took, nor in the exertions they made to resist him: and as the fatal effects which they and all the other nations of the ancient world were long accustomed to expect from defeats, were no less than servitude or death, they did not submit to any enemy, in consequence of any event, nor under the pressure of any calamity whatever.

Other nations were accustomed to rise on victories, and to sink under defeats; to become insolent or mean with the tide of their fortunes. The Romans alone were moderate in prosperity, and arrogant when their enemies expected to force their submission.

Other nations, when in distress, could weigh their sufferings against the concessions which they were required to make; and, among the evils to which they were exposed, preferred what appeared to be the least. The Romans alone spurned the advances of a victorious enemy; were not to be moved by sufferings; and, though they cautiously avoided difficulties that were likely to surpass their strength, did not allow it to be supposed that they were governed by fear in any case whatever. They willingly treated with the vanquished, and were ready to grant the most liberal terms when the concession could not be imputed to weakness or fear. By such free and unforced concessions, indeed, they established a reputation for generosity, which contributed, no less than their valor, to secure the dominion they acquired.

With the same insinuating titles of allies or protectors, by which they had, in the infant state of their policy, brought all the cantons of Latium to follow their standard; they continued to take the ascendant over nations whom they could not have otherwise subdued. But as they were liberal in their friendships, so, after repeated provocations seemed to justify a different conduct, they were terrible in their resentments, and took ample compensation for the favors they had formerly bestowed.

By their famous maxim in war already mentioned, That *the submissive were to be spared*, and *the proud to be humbled*, it became necessary for them, in every quarrel, to conquer or to perish; and, when these were the alternatives proposed by them, other nations were entitled to consider them as common enemies. No State has a right to make the submission of mankind a necessary condition to its own preservation; nor are many States qualified to support such pretensions. Some part of this political character, however, is necessary to the safety, as well as to the advancement of nations. No free State or Republic is safe under any other government or defence, than that of its own citizens. No nation is safe that permits any ally to suffer by having espoused its cause, or that allows itself to be driven, by defeats or misfortunes, into a surrender of any material part of its rights.

The measure of the Roman conquests, in the beginning of the seventh century of Rome, though

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great, was yet far from being full ; and the People had not hitherto relaxed the industry, nor cooled in the ardor with which prosperous nations advance, but which they frequently remit in the height of their attainments and of their power.

The constitution of the commonwealth still afforded a plentiful nursery of men for both the civil and military departments ; and this People accordingly continued for some time to advance with a quick pace in the career of their conquests. They subdued mighty kingdoms with as great, or greater facility, than that with which they had formerly conquered villages and single fields.

But the enlargement of their territory, and the success of their arms abroad, became the sources of a ruinous corruption at home. The wealth of provinces began to flow into the city, and filled the coffers of private citizens, as well as those of the commonwealth. The offices of State and the command of armies were become lucrative as well as honorable, and were coveted on the former account. In the State itself the governing and the governed felt separate interests, and were at variance, from motives of avarice, as well as ambition ; and instead of the parties who formerly strove for distinction, and for the palm of merit in the service of the commonwealth, factions arose, who contended for the greatest share of its spoils, and who sacrificed the public to their party-attachments and animosities.

Two hundred and thirty years had elapsed since the animosities of Patrician and Plebeian were

extinguished by the equal participation of public honors. This distinction itself was in a great measure obliterated, and gave way to a new one, which, under the denominations of Nobles and Commons, or Illustrious and Obscure, without involving any legal disparity of privileges, gave rise to an aristocracy, which was partly hereditary, founded in the repeated succession to honors in the same family; and partly personal, founded in the habits of high station, and in the advantages of education, such as never fail to distinguish the conditions of men in every great and prosperous state.

These circumstances conferred a power on the Nobles, which, though less invidious, was not less real than that which had been possessed by the ancient Patricians. The exercise of this power was lodged with the Senate, a body which, though by the emulation of its members, too much disposed to war, and ambitious of conquest, was probably never surpassed in magnanimity, ability, or in steadiness, by any council of state whatever.

The People had submitted to the Senate, as possessed of an authority which was founded in the prevailing opinion of their superior worth; and even the most aspiring of the Commons allowed themselves to be governed by an order of men, amongst whom they themselves, by proper efforts and suitable merit, might hope to ascend. The examples of preferment, and the rise of individuals, from the lowest to the highest ranks of the commonwealth, though for the most part received

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with some degree of jealousy by those who were already in possession of the higher condition, were nevertheless frequent, and extinguished all appearance of an exclusive pretension to the honors of the State, in any order or class of the People.

The Knights, or the Equestrian order, being persons possessed of estates or effects of a certain valuation^{*}, formed between the Senate and the People an intermediate rank, who, in consequence of their having a capital, and being less engaged than the Senators in affairs of State, became traders, contractors, farmers of the revenue, and constituted a species of moneyed interest in the city, and in the provinces.

Such, during the latter part of the period of which the events have been already related, was the distribution of rank in this commonwealth. But circumstances which appear to be fixed in the political state of nations, are often no more than a passage in the shifting of scenes, or a transition from that which a people have been, to what they are about to become. The Nobles began to avail themselves of the high authority and advantages of their station, and to accumulate property as well as honors. The country began to be occupied with their plantations and their slaves. The number of great landed estates, and the multiplication of slaves, kept pace together. This manner of stocking plantations was necessary or expedient in

^{*} 400,000 A. Roman money, or about 3,000 l.

the circumstances of the Romans : for if the Roman citizen, who possessed so much consequence in his military and political capacity, had been willing to become a hireling and a servant, yet it was not the interest of masters to intrust their affairs to persons who were liable to be pressed into the legions, or who were so often called away to the comitia and assemblies of the People.

Citizens contended for offices in the State as the road to lucrative appointments abroad; and when they had obtained this end, and had reigned for a while in some province, they brought back from their governments a profusion of wealth ill acquired, and the habit of arbitrary and uncontrouled command. When disappointed in the pursuits of fortune abroad, they became the leaders of dangerous factions at home; or when suddenly possessed of great wealth, they became the agents of corruption to disseminate idleness, and the love of ruinous amusements, in the minds of the People.

The seclusion of the Equestrian order from the pursuit of political emolument or honor, and the opportunities they had, by contracts and by farming the revenue, to improve their fortunes in a different way, confirmed them in the habits of trade, and the attention to lucrative considerations.

The city was gradually crowded with a populace, who, tempted with the cheap or gratuitous distribution of corn, by the frequency of public

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shows, by the consequence they enjoyed as members of the popular assemblies, or perhaps dislodged from the country by the engrossers of land, and the preference which was given to the labor of slaves over that of freemen, flocked from the colonies and municipal towns to reside at Rome. There they were corrupted by idleness and indigence, and the order itself was continually debased by the frequent accession of emancipated slaves.

The Romans, who were become so jealous of their prerogative as citizens, had no other way of disposing of a slave, who had obtained his freedom, than by placing him on the rolls of the People; and from this quarter accordingly the numbers of the People were chiefly recruited. The emancipated slave took the name of his master, became a client, and a retainer of his family; and at funerals and other solemnities, where the pomp was distinguished by the number of attendants, made a part of the retinue. This class of men accordingly received continual additions, from the vanity or weakness of those who chose to change their slaves into dependent citizens; and numbers who had been conducted to Rome as captives, or who had been purchased in Asia or Greece, at a price proportioned to the pleasurable arts they possessed, became an accession to that turbulent populace, who, in the quality of Roman citizens, tyrannized in their turn, over the masters of the world, and wrecked on the conquerors of so many nations the

evils which they themselves had so freely inflicted on mankind².

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Citizens of this extraction could not for ages arrive at any places of trust, in which they could, by their personal defects injure the commonwealth; but they increased, by their numbers and their vices the weight of that dreg, which, in great and prosperous cities, ever sinks, by the tendency of vice and misconduct, to the lowest condition. They became a part of that faction who are ever actuated by envy to their superiors, by mercenary views, or by abject fear; who are ever ready to espouse the cause of any leader against the restraints of public order; disposed to vilify the more respectable ranks of men; and by their indifference on the subjects of justice or honor, to frustrate every principle that may be employed for the government of mankind, besides fear and compulsion.

Although citizens of this description were yet far from being the majority at Rome, yet it is probable that they were in numbers sufficient to contaminate the whole body of the People; and, if enrolled promiscuously in all the tribes, might have had great weight in turning the scale of political councils. This effect, however, was happily prevented by the wise precaution which the Censors had taken to confine all citizens of mean or slavish extraction to four of the Tribes. These were called

² Velleius, lib. ii. c. 4.

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Notwithstanding this precaution, we must suppose them to have been very improper parties in the participation of sovereignty, and likely enough to disturb the place of assembly with disorders and tumults.

While the State was advancing to the sovereignty of Italy, and while the territories successively acquired were cleared for the reception of Roman citizens, by the reduction and captivity of the natives, there was an outlet for the redundancy of this growing populace, and its overflowings were accordingly dispersed over Italy, from Rhegium to Aquileia, in about seventy colonies. But the country being now completely settled, and the property of its inhabitants established, it was no longer possible to provide for the indigent citizens in this manner; and the practice of settling new colonies, which had been so useful in planting, and securing the conquests which were made in Italy, had not yet been extended beyond this country, nor employed as the means of securing any of the provinces lately acquired. Mere colonization, indeed, would have been an improper and inadequate measure for this purpose; and in time of the republic never

³ Liv. lib. ix. c. 46. When this precaution was taken by Fabius Maximus, the Tribes amounted to thirty-one. See the successive additions by which the Tribes were brought up to this number, Liv. lib. vi. c. 5. lib. vii. c. 15. lib. viii. c. 17. lib. ix. c. 20.

never was, in any considerable degree, extended beyond sea. The provinces were placed under military government, and were to be retained in submission by bodies of regular troops. Roman citizens had little inclination to remove their habitations beyond the limits of Italy; and if they had, would have been unable, in the mere capacity of civil corporations and pacific settlements, to carry into execution the exactions of a government which they themselves, now become inhabitants and proprietors of land in those provinces, would have soon been interested to oppose: for these reasons, although the Roman territory was greatly extended, the resources of the poorer citizens were diminished. The former discharge for many dangerous humors that were found to arise among them, was in some measure shut up, and these humors began to regorge on the State.

While the inferior people at Rome sunk in their characters, or were debased by the circumstances we have mentioned, the superior ranks, by their application to affairs of State, by their education, by the ideas of high birth and family distinction, by the superiority of fortune, began to rise in their estimation, in their pretensions, and in their power; and they entertained some degree of contempt for persons, whom the laws still required them to admit as their fellow-citizens and equals.

In this disposition of parties so dangerous in a commonwealth, and amidst materials so likely to catch the flame, some sparks were thrown that soon

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B O O K kindled up anew all the popular animosities which
II. seemed to have been so long extinguished. We have been carried, in the preceding narration, by the series of events, somewhat beyond the date of transactions that come now to be related. While Scipio was employed in the siege of Numantia, and while the Roman officers in Sicily were yet unable to reduce the revolted slaves, Tiberius Gracchus, born of a Plebeian family, but ennobled by the honors of his father, by his descent on the side of his mother from the first Scipio Africanus, and by his alliance with the second Scipio, who had married his sister, being now Tribune of the People, and possessed of all the accomplishments required in a popular leader, great ardor, resolution, and eloquence, formed a project in itself extremely alarming, and in its consequences dangerous to the peace of the republic.

Like other young men of high pretensions at Rome, Tiberius Gracchus had begun his military service at the usual age, had served with reputation under his brother-in-law, Scipio, at the siege of Carthage, afterwards as Questor, under Mancinus in Spain, where the credit of his father, well known in that province, pointed him out to the natives as the only person with whom they would negotiate in the treaty that ensued. The disgrace he incurred in this transaction, gave him a distaste to the military service, and to foreign affairs. When he was called to account for it, the severity he experienced from the Senate, and the protection he obtained from the People, filled his breast with

an animosity to the one, and a prepossession in favor of the other *.

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Actuated by these dispositions, or by an idea not uncommon to enthusiastic minds, that *the unequal distribution of property, so favorable to the rich, is an injury to the poor*; he now proposed in part to remedy or to mitigate this supposed evil, by reviving the celebrated law of Licinius, by which Roman citizens had been restrained from accumulating estates in land above the value of five hundred jugera ⁵, or from having more than one hundred of the larger cattle, and five hundred of the lesser.

In his travels through Italy, he said, he had observed that the property of land was beginning to be engrossed by a few of the nobles, and that the country was entirely occupied by slaves to the exclusion of freemen: that the race of Roman citizens would soon be extinct ⁶, if proper settlements were not provided to enable the poor to support their families, and to educate their children; and he alleged, that if estates in land were reduced to the measure prescribed by law, the surplus left would then be sufficient for this purpose.

Being determined, however, as much as possible, to prevent the opposition of the Nobles, and to reconcile the interest of both parties to his

* Cicero de Claris Oratoribus, c. 27.

⁵ Little more than half as many acres.

⁶ Plutarch, in Tib. Gracch.

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scheme, he proposed to make some abatements in the rigor of the Licinian law, allowing every family, holding five hundred jugera in right of the father, to hold half as much in the right of every unemancipated son; and proposed, that every person who should suffer any diminution of his property in consequence of the intended reform, should have compensation made to him; and that the sum necessary for this purpose should be issued from the treasury.

In this manner he set out with an appearance of moderation, acting in concert with some leading men in the State and members of the Senate, such as Appius Claudius, whose daughter he had married, a Senator of the family of Crassus, who was then at the head of the priesthood, and Mucius Scævola, the Consul.

To complete the intended reformation, and to prevent for the future the accumulation of estates in land, the sale or commerce of land was from thenceforward to be prohibited; and three commissioners were to be annually named, to ensure the execution and regular observance of this law.

This project, however plausible, it is probable, was extremely unseasonable, and ill suited to the state of the commonwealth. The law of Licinius had passed in the year of Rome three hundred and seventy-seven, no more than fourteen years after the city was restored from its destruction by the Gauls, and about two hundred and fifty years before this date; and though properly suited to a

small republic, and even necessary to preserve a democracy, was, in that condition of the People, received with difficulty, and was soon trespassed upon even by the person himself on whose suggestion it had been moved and obtained; that it was become obsolete, and gone into disuse, appeared from the abuses which were now complained of, and to which its renewal was proposed as a remedy. It was become in a great measure impracticable, and even dangerous in the present state of the republic. The distinctions of poor and rich are as necessary in States of considerable extent, as labor and good government. The poor are destined to labor, and the rich, by the advantages of education, independence, and leisure, are qualified for superior stations. The empire was now greatly extended, and owed its safety and the order of its government to a respectable aristocracy, founded on the possession of fortune, as well as personal qualities and public honors. The rich were not, without some violent convulsion, to be stripped of estates which they themselves had bought, or which they had inherited from their ancestors. The poor were not qualified at once to be raised to a state of equality with persons inured to a better condition. The project seemed to be as ruinous to government as it was to the security of property, and tended to place the members of the commonwealth, by one rash and precipitate step, in situations in which they were not at all qualified to act.

For these reasons, as well as from motives of

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private interest affecting the majority of the nobles, the project of Tiberius was strenuously opposed by the Senate; and from motives of envy, interest, or mistaken zeal for justice, as warmly supported by the opposite party. At the several assemblies of the People which were called to deliberate on this subject, Tiberius, exalting the characters of freemen contrasted with slaves, displayed the copious and pathetic eloquence in which he excelled. All the free inhabitants of Italy were Romans, or nearly allied to this people. He observed how much, being supplanted by the slaves of the rich, they were diminished in their numbers. He inveighed against the practice of employing slaves, a class of men that bring perpetual danger, without any addition of strength to the public, and who are ever ready to break forth in desperate insurrections, as they had then actually done in Sicily, where they still occupied the Roman arms in a tedious and ruinous war⁷.

In declaiming on the mortifications and hardships of the indigent citizen, he had recourse to the arguments commonly advanced to explode the inequalities of mankind. "Every wild beast," he said, "in this happy land has a cover or place of retreat. But many valiant and respectable citizens, who have exposed their lives, and who have shed their blood in the service of their country, have not a home to which they may retire. They wander with their wives and their

⁷ Appian, de Bell, Civ.

“ children, stripped of every possession, but that of the
 “ air and the light. To such men the common
 “ military exhortation, *to fight for the tombs of their*
 “ *fathers, and for the altars of their household gods,*
 “ is a mockery and a lie. They have no altars;
 “ they have no monuments. They fight and they
 “ die to augment the estates, and to pamper the
 “ luxury of a few wealthy citizens, who have
 “ engrossed all the riches of the commonwealth.
 “ As citizens of Rome, they are entitled *the masters*
 “ *of the world*, but possess not a foot of earth on
 “ which they may rest^{*}.

He asked, “ whether it were not reasonable to
 “ apply what was public to public uses? whether
 “ a freeman were not preferable to a slave, a brave
 “ man to a coward, and a fellow-citizen to a stran-
 “ ger? He expatiated on the fortune, and stated
 “ the future prospects of the republic. Much,”
 he said, “ she had acquired, and had yet more to
 “ acquire: that the People, by their decision in the
 “ present question were to determine, whether
 “ they were, by multiplying their numbers, to in-
 “ crease their strength, and be in a condition to con-
 “ quer what yet remained of the world? or, by
 “ suffering the resources of the whole People to get
 “ into the hands of a few, they were to permit
 “ their numbers to decline, and to become unable,
 “ against nations envious and jealous of their pow-
 “ er, even to maintain the ground they already had
 “ gained?

^{*} Plutarch, in Vit. Tib. Gracch.

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“ He exhorted the present proprietors of land ,
 “ whom the law of division might affect , not to
 “ withhold , for the sake of a trifling interest to
 “ themselves , so great an advantage from their
 “ country. He bade them consider whether they
 “ would not , by the secure possession of five hun-
 “ dred jugera , and of half as much to each of
 “ their children , be sufficiently rewarded for the
 “ concessions now required in behalf of the pub-
 “ lic ; put them in mind that riches were merely
 “ comparative ; and that , in respect to this advan-
 “ tage , they were still to remain in the first rank
 “ of their fellow - citizens ’ . ”

By these and similar arguments he endeavoured to obtain the consent of one party , and to inflame the zeal of the other. But when he came to propose , that the law should be read , he found that his opponents had availed themselves of their usual defence ; had procured M. Octavius , one of his own colleagues , to interpose with his negative , and to forbid any farther proceeding in the business. Here , according to the forms of the constitution , this matter should have dropped. The Tribunes were instituted to defend their own party , not to attack their opponents ; and to prevent , not to promote innovations. Every single Tribune had a negative on the whole. But Tiberius , thus suddenly stopped in his career , became the more impetuous and confirmed in his purpose. Having adjourned the assembly to another day , he

’ Appian. de Bell. Civ.

prepared a motion more violent than the former, in which he erased all the clauses by which he had endeavoured to soften the hardships likely to fall on the rich. He proposed, that, without expecting any compensation, they should absolutely cede the surplus of their possessions, as being obtained by fraud and injustice. C H A P.
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In this time of suspense, the controversy began to divide the colonies and free cities of Italy, and was warmly agitated wherever the citizens had extended their property. The rich and the poor took opposite sides. They collected their arguments, and they mustered their strength. The first had recourse to the topics which are commonly employed on the side of prescription, urging that, in some cases, they had possessed their estates from time immemorial; and that the lands they possessed were become valuable, only in consequence of the industry and labor which they themselves had employed to improve them; that, in other cases, they had actually bought their estates: that the public faith, under which they were suffered to purchase, was now engaged to protect and secure their possession: that, in reliance on this faith, they had erected, on these lands, the sepulchres of their fathers; they had pledged them for the dowries of their wives and the portions of their children, and mortgaged them as security for the debts they had contracted: that a law regulating or limiting the farther increase or accumulation of property might be suffered; but that a law, having a retrospect, and operating in violation of the rights, and to the

B O O K ruin of so many families, was altogether unjust,
II. and even impracticable in the execution.

The poor, on the contrary, pleaded their own indigence and their merits; urged that they were no longer in a capacity to fill the station of Roman citizens or of freemen, nor in a condition to settle families or to rear children, the future hopes of the commonwealth: that no private person could plead immemorial possession of lands which had been acquired for the public. They enumerated the wars which they themselves, or their ancestors, had maintained in the conquest of those lands. They concluded, that every citizen was entitled to his share of the public conquests; and that the arguments which were urged to support the possessions of the nobles, only tended to show how presumptuous and insolent such usurpations, if suffered to remain, were likely to become.

This mode of reasoning appears plausible; but it is dangerous to adopt by halves even reason itself. If it were reasonable that every Roman citizen should have an equal share of the conquered lands, it was still more reasonable, that the original proprietors, from whom those lands had been unjustly taken, should have them restored. If, in this, the maxims of reason and justice had been observed, Rome would have still been a small community, and might have acted with safety on the principles of equality which are suited to a small republic. But the Romans, becoming sovereigns of a great and extensive territory, must adopt the disparities, and submit to the subordinations,

which mankind universally have found natural, and even necessary, to their government in such situations. C H A P.
II.

Multitudes of people from all parts of Italy, some earnestly desirous to have the law enacted, others to have it set aside, crowded to Rome to attend the decision of the question; and Gracchus, without dropping his intention, as usual, upon the negative of his colleague, only bethought himself how he might surmount, or remove this obstruction.

Having hitherto lived in personal intimacy with Octavius, he tried to gain him in private; and having failed in this attempt, he entered into expostulations with him, in presence of the public assembly; desired to know, whether he feared to have his own estate impaired by the effects of the law; for, if so, he offered to indemnify him fully in whatever he might suffer by the execution of it: and being still unable to shake his colleague, who was supported by the countenance of the Senate and the higher ranks of men in the State, he determined to try the force of his Tribunitian powers to compel him, laid the State itself under a general interdict, sealed up the doors of the treasury, suspended the proceedings in the courts of the Prætors, and put a stop to all the functions of office in the city.

All the nobility and superior class of the People went into mourning. Tiberius, in his turn, endeavoured to alarm the passions of his party; and believing, or pretending to believe, that he himself

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BOOK II. was in danger of being assassinated, had a number of persons with arms to defend his person.

While the city was in this state of suspense and confusion, the Tribes were again assembled, and Tiberius, in defiance of the negative of his colleague, was proceeding to call the votes, when many of the People, alarmed by this intended violation of the sacred law, crowded in before the Tribe that was moving to ballot, and seized the urns. A great tumult was likely to arise. The popular party, being most numerous, were crowding around their leader, when two Senators, Manlius and Fulvius, both of consular dignity, fell at his feet, embraced his knees, and beseeched him not to proceed. Overcome with the respect that was due to persons of this rank, and with the sense of some impending calamity, he asked, What they would have him to do? "The case," they said, "is too arduous for us to decide; refer it to the Senate, and await their decree."

Proceedings were accordingly suspended until the Senate had met, and declared a resolution not to confirm the law. Gracchus resumed the subject with the People, being determined either to remove, or to flight the negative of his colleague. He proposed, that either the refractory Tribune, or himself, should be immediately stript of his dignity. He desired that Octavius should put the question first? Whether Tiberius Gracchus should be degraded? This being declined as irregular and vain, he declared his intention to move in the assembly, on the following day, That Octavius should be divested of the character of Tribune.

Hitherto all parties had proceeded agreeably to the laws and constitution of the commonwealth; but this motion, to degrade a Tribune, by whatever authority, was equally subversive of both. The person and dignity of Tribunes, in order that they might be secure from violence, whether offered by any private person, public magistrate, or even by the People themselves, were guarded by the most sacred vows. Their persons, therefore, during the continuance of their office, were sacred; so long their character was indelible, and, without their own consent, they could not be removed by any power whatever.

The assembly, however, being met in consequence of this alarming adjournment, Tiberius renewed his prayer to Octavius to withdraw his negative; but not prevailing in this request, the Tribes were directed to proceed. The votes of seventeen were already given to *degrade*. In taking those of the eighteenth, which would have made a majority, the Tribunes made a pause, while Tiberius embraced his colleague, and, with a voice to be heard by the multitude of the People, beseeched him to spare himself the indignity, and others the regret, of so severe, though necessary, a measure. Octavius shook: but, observing the Senators who were present, recovered his resolution, and bid Tiberius proceed as he thought proper. The votes of the majority were accordingly declared, and Octavius, reduced to a private station, was dragged from the Tribunes' bench, and exposed to the rage of the populace. Attempts

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BOOK were made on his life, and a faithful slave,
II. that endeavoured to save him, was dangerously wounded; but a number of the more respectable citizens interposed, and Tiberius himself was active in favoring his escape.

*Lex Sempro-
nia.*

This obstacle being removed, the act so long depending, for making a more equal division of lands, was passed; and three commissioners, Tiberius Gracchus, Appius Claudius, his father-in-law, and his brother, Caius Gracchus, then a youth serving under Publius Scipio at the siege of Numantia, were named to carry the law into execution.

This act, as it concerned the interest of almost every inhabitant of Italy, immediately raised a great ferment in every part of the country. Persons holding considerable estates in land were alarmed for their property. The poor were elated with the hopes of becoming suddenly rich. If there was a middling class not to be greatly affected in their own situation, they still trembled for the effects of a contest between such parties. The Senate endeavoured to delay the execution of the law, withheld the usual aids and appointments given to the commissioners of the People in the ordinary administration of public trusts, and waited for a fit opportunity to suppress entirely this hazardous project. Parties looked on each other with a gloomy and suspicious silence. A person who had been active in procuring the Agrarian Law, having died in this critical juncture, his death was alleged to be the effect of poison administered by the opposite

party. Numbers of the people, to countenance a report to this purpose, went into mourning; even Gracchus, affecting to believe a like design to be forming against himself, appeared, with his children and their mother, as suppliants in the streets, and implored the protection of the People. Still more to interest their passions in his safety, he published a list of the acts which he then had in view, all tending to gratify the People, or to mortify the Senate. Attalus, king of Pergamus, having, about this time, bequeathed his dominions and his treasure to the Romans, Gracchus procured an act to transfer the administration of this inheritance from the Senate to the People; and to distribute the money found in the treasury of Pergamus to the poorer citizens, the better to enable them to cultivate and to stock the lands which were now to be given them. He obtained another act to circumscribe the power of the Senate, by joining the Equestrian order with the Senators in the nomination to juries, or in forming the occasional tribunals of justice.

These, with the preceding attempts to abolish or to weaken the aristocratical part of the government, were justly alarming to every person who was anxious for the preservation of the State. As the policy of this Tribune tended to substitute popular tumults for sober councils and a regular magistracy, it gave an immediate prospect of anarchy, which threatened to produce some violent usurpation. The sacred office which he so much abused, had served, on occasions, to check the

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caprice of the People, as well as to restrain the abuse of the executive power. The late violation it had suffered, was likely to render it entirely unfit for the first of these purposes, and to make the Tribune an instrument to execute the momentary will of the People, or to make the continuance of his trust depend upon his willingness to serve this purpose. Tiberius heard himself arraigned in the Forum, and in every public assembly, for the violation of the sacred law. "If any of your colleagues," said Titus Annius (whom he prosecuted for a speech in the Senate), "should interpose in my behalf, " would you have him also degraded?"

The people in general began to be sensible of the enormity they themselves had committed, and Tiberius found himself under a necessity of pleading for the measure he had taken, after it had been carried into execution. The person of the Tribune, he observed, was sacred; because it was consecrated by the People, whom the Tribunes represented; but if the Tribune, inconsistent with his character, should injure where he was appointed to protect, should weaken a claim he was appointed to enforce, and withhold from the People that right of decision which he was appointed to guard, the Tribune, not the People, was to blame for the consequences.

"Other crimes," he said, "may be enormous, " yet may not destroy the essence of the Tribu-
"nitian character. An attempt to demolish the
"Capitol, or to burn the fleets of the republic,
"might excite an universal and just indignation,
" without

“ without rendering the person of the Tribune
 “ who should be accused of them less sacred. But
 “ an attempt to take away the power by which
 “ his own office subsists, and which is centered in
 “ himself only for the better exertion of that pow-
 “ er, is a voluntary and criminal abdication of
 “ the trust. What is the Tribune but the officer
 “ of the People? Strange! that this officer may,
 “ by virtue of authority derived from the People,
 “ drag even the Consul himself to prison, and yet
 “ that the People themselves cannot depose their
 “ own officer, when he is about to annul the au-
 “ thority by which he himself is appointed.

“ Was ever authority more sacred than that of
 “ king? It involved in itself the prerogatives of
 “ every magistrate, and was likewise consecrated
 “ by holding the priesthood of the immortal gods.
 “ Yet did not the people banish Tarquin? and
 “ thus, for the offence of one man, abolish the
 “ primitive government, under the auspices of
 “ which the foundations of this city were laid.

“ What more sacred at Rome than the persons
 “ of the Vestal Virgins, who have the custody of
 “ the holy fire? Yet are they not for slight of-
 “ fences sometimes buried alive? Impiety to the
 “ gods being supposed to cancel a title which re-
 “ verence to the gods had conferred, must not
 “ injuries to the People suppress an authority which
 “ a regard to the People has constituted?

“ That person must fall, who himself removes
 “ the base on which he is supported. A majority
 “ of the Tribes creates a Tribune: Cannot the
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“ whole depose ? What more sacred than the
“ things which are dedicated at the shrines of the
“ immortal gods ? yet these the People may em-
“ ploy or remove at pleasure. Why not transfer
“ the Tribunate, as a consecrated title, from one
“ person to another ? May not the whole People,
“ by their sovereign authority, do what every
“ person in this sacred office is permitted to do,
“ when he resigns or abdicates his power by a
“ simple expression of his will. ”

These specious arguments tended to introduce the plea of necessity where there was no foundation for it, and to set the sovereign power, in every species of government, loose from the rules which itself had enacted. Such arguments accordingly had no effect where the interest of the parties did not concur to enforce them. Tiberius saw his credit on the decline. He was publicly menaced with impeachment, and had given sufficient provocation to make him apprehend that, upon the expiration of his office, some violence might be offered to himself¹⁰. His person was guarded only by the sacred character of the Tribune. The first step he should make in the new character he was to assume, as commissioner for the division of lands, was likely to terminate his life. He resolved, if possible, to take shelter in the Tribunate another year, and to procure this favor from the People, gave farther expectations of popular acts ; of one to shorten the term of military service, and of

¹⁰ Orosius, lib. v. c. 8.

another to grant an appeal to the People from the courts of justice lately established. C H A P.
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The Senate, and every citizen who professed a regard to the constitution, were alarmed. This attempt, they said, to perpetuate the Tribunitian power in the same person, tends directly to tyranny. The usurper, with the lawless multitude that supports him, must soon expel from the public assemblies every citizen who is inclined to moderation; and together with the property of our lands, to which they already aspire, make themselves master of the State. Their leader, it seems, like every other tyrant, already thinks that his safety depends upon the continuance of his power.

In this feverish state of suspense and anxiety, great efforts were made to determine the elections. The time of choosing the Tribunes was now fast approaching: Roman citizens, dispersed on their lands throughout Italy, were engaged in the harvest, and could not repair to the city. On the day of election the assembly was ill attended, especially by those who were likely to favor Tiberius. He being rejected by the first Tribes that moved to the ballot, his friends endeavoured to amuse the assembly with forms, and to protract the debates, till observing that the field did not fill, nor the appearance change for the better, they moved to adjourn to the following day.

In this recess Tiberius put on mourning, went forth to the streets with his children, and, in behalf of hapless infants, that might already be considered as orphans, on the eve of losing their

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parent in the cause of freedom, implored the protection of the People; gave out that the party of the rich, to hinder his being re-elected, had determined to force their way into his house in the night, and to murder him. Numbers were affected by these dismal representations: a multitude crowded to his doors, and watched all night in the streets.

On the arrival of morning and the approach of the assembly, the declining appearance of his affairs suggested presages; and the superstition of the times has furnished history with the omens, by which himself and his friends were greatly dismayed. He, nevertheless, with a crowd of his partisans, took his way to the capitol, where the People had been appointed to assemble. His attendants multiplied, and numbers from the assembly descended the steps to meet him. Upon his entry a shout was raised, and his party appeared sufficiently strong, if not to prevail in their choice, perhaps by their violence to deter every citizen of a different mind from attending the election.

A chosen body took post round the person of Tiberius, with direction to suffer no stranger to approach him. A signal was agreed upon, in case it were necessary to employ force. Mean time the Senators, on their part, were hastily assembled in the Temple of Faith, in anxious deliberations on the measures to be followed.

When the first tribe delivered their votes, a confusion arose among the People. Numbers from the more distant parts of the assembly began to

press forward to the centre. Among others, Fulvius Flaccus, a Senator yet attached to Tiberius, being too far off to be heard, beckoned with his hand that he would speak with the Tribunes. Having made his way through the multitude, he informed Tiberius, that a resolution was taken in the Senate to resist him by force; and that a party of Senators, with their clients and slaves, was arming against his life. All who were near enough to hear this information, took the alarm, snatched the staves from the officers that attended the Tribunes, and tucked up their robes as for immediate violence. The alarm spread through the assembly, and many called out to know the cause, but no distinct accounts could be heard. Tiberius, having in vain attempted to speak, made a sign, by waving his hand round his head, that his life was in danger. This sign, together with the hostile and menacing appearances that gave rise to it, being instantly reported in the Senate, and interpreted as a hint given to the People, that it was necessary he should be crowned, or that he should assume the sovereignty, the Senate immediately resolved, in a form that was usual on alarming occasions, that the Consul should provide for the safety of the State. This resolution was supposed to confer a dictatorial power, and was generally given when immediate execution or summary proceedings were deemed to be necessary, without even sufficient time for the formalities observed in naming a Dictator. The Consul Mucius Scævola, who had been in concert with Tiberius in drawing

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up the first frame of his law, but who probably had left him in the extremes to which he afterwards proceeded; on the present occasion, however, declined to employ force against a Tribune of the People, or to disturb the Tribes in the midst of their legal assembly. "If they shall come", he said, "to any violent or illegal determination, I will employ the whole force of my authority to prevent its effects."

In this expression of the Consul there did not appear to the audience a proper disposition for the present occasion. The laws were violated: A desperate party was prepared for any extremes: All sober citizens, and even many of the Tribunes, had fled from the tumult: The priests of Jupiter had shut the gates of their temple: The laws, it was said ought to govern; but the laws cannot be pleaded by those who have set them aside, and they are no longer of any avail, unless they are restored by some exertion of vigor, fit to counteract the violence that has been offered to them. "The Consul", said Scipio Nasica, "deserts the republic; let those who wish to preserve it, follow me". The Senators instantly arose, and moving in a body, which increased as they went, by the concourse of their clients, they seized the shafts of the fasces, or tore up the benches in their way, and, with their robes wound up, in place of shields, on their left arm, broke into the midst of the assembly of the People.

Tiberius, surrounded by a numerous multitude, found his party unable to resist the awe with which

they were struck by the presence of the Senate and Nobles. The few who resisted were beat to the ground. He himself, while he fled, being seized by the robe, slipped it from his shoulders and continued to fly; but he stumbled in the crowd, and, while he attempted to recover himself, was slain with repeated blows. His body, as being that of a tyrant, together with the killed of his party, amounting to about three hundred, as accomplices in a treasonable design against the republic, were denied the honors of burial, and thrown into the river. Some of the most active of his partisans that escaped, were afterwards cited to appear, and were outlawed or condemned.

Thus, in the heats of this unhappy dispute, both the Senate and the People had been carried to acts of violence that insulted the laws and constitution of their country. This constitution was by no means too strict and formal to contend with such evils; for, besides admitting a general latitude of conduct scarcely known under any other political establishment, it had provided expedients for great and dangerous occasions, which were sufficient to extricate the commonwealth from greater extremities than those to which it had been reduced in the course of this unfortunate contest.

The People, when restrained from their object by the negative of one of their Tribunes, had only to wait for the expiration of his office, when, by a new election, they might so model the college as to be secure of its unanimous consent in the particular measures to which they were then inclined.

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The precipitant violation of the sacred law, a precedent which, if followed, must have rendered the Tribunes mere instruments of popular violence, not bars to restrain oppression, filled the minds of the People with remorse and horror, and gave to the Senate and Nobles a dreadful apprehension of what they were to expect from a party capable of such a profane and violent extreme.

The policy of Tiberius Gracchus on the other hand, the laws he had obtained, his own re-election to secure the execution, and the sequel of his plan, seemed to threaten the republic with distraction and anarchy, likely to end in his own usurpation, or in that of some more artful demagogue. But even under these gloomy expectations, the Senate could, by naming a Dictator, or by the commission which they actually gave to the Consul, have recourse to a legal preventive, and might have repelled the impending evil by measures equally decisive and powerful, though more legal than those they employed. But the Consul, it seems, was suspected of connivance with the opposite party, had received his own commission coldly and could not be intrusted with the choice of a Dictator.

In these extremities, the violent resolution that was taken by the Senate appears to have been necessary; and probably for the present saved the republic; preserved it indeed, not in a sound, but in a sickly state, and in a fever, which, with some intermissions, at every return of similar disorders, threatened it with the dissolution and ruin of its whole constitution.

The disorders that arise in free States which are beginning to corrupt, generally furnish very difficult questions in the casuistry of politicians. Even the struggles of virtuous citizens, because they do not prevent, are sometimes supposed to hasten, the ruin of their country. The violence of the Senate, on this occasion, was by many considered with aversion and horror. The subversion of government, that was likely to have followed the policy of Gracchus, because it did not take place, was overlooked; and the restitution of order, effected by the Senate, appeared to be a tyranny established in blood. The Senators themselves were struck with some degree of remorse, and, what is dangerous in politics, took a middle course between the extremes. They were cautious not to inflame animosities, by any immoderate use of their late victory, nor by any immediate opposition to the execution of the popular law. They wished to atone for the violences lately committed against the person of its author; they permitted Fulvius Flaccus and Papirius Carbo, two of the most daring leaders of the popular faction, to be elected commissioners for the execution of the Agrarian law, in the room of Tiberius and Appius Claudius, of whom the latter also died about this time; and, in order to stifle animosities and resentments, consented that, under pretence of an embassy to Pergamus, Scipio Nasica should be removed from Rome. In consequence of this commission, this illustrious citizen, the lineal descendant of one of the Scipios who perished in Spain in the time of the second

B O O K Punic war, himself an ornament to the republic,
II. died in a species of exile, though under an honorable title.

In the midst of such agitations, foreign affairs were likely to be much overlooked. They proceeded, however, under the conduct of the officers to whom they were intrusted, with the usual success; and the Senate, having the reports made nearly about the same time, of the pacification of Lusitania, the destruction of Numantia, and the reduction and punishment of the slaves in Sicily, named commissioners to act in conjunction with the generals commanding in those several services, in order to settle their provinces.

Brutus and Scipio had their several triumphs; one with the title of Galaicus, for having reduced the Gallicians; the other, still preferring the title of Africanus to that of Numantinus, which was offered to him for the sack of Numantia.

The arrival of this respectable citizen was anxiously looked for by all parties, more to know what judgment he might pass on the late operations at Rome, than on account of the triumph he obtained over enemies once formidable to his country. He was the near relation of Gracchus, and might, under pretence of revenging the death of that demagogue, have put himself at the head of a formidable party. He was himself personally respected and beloved by numbers of the citizens, who had carried arms under his command, who were recently arrived in Italy crowned with victory, and who

might possibly, under pretence of vindicating the rights of the People, employ their arms against the republic. But the time of such criminal views on the commonwealth was not yet arrived. Scipio already, upon hearing the fate of Gracchus, had expressed, in some words that escaped him, his approbation of the Senate's conduct. "So may every person perish," he said, "who shall dare to commit such crimes".¹¹ Soon after his arrival from Spain, Papirius Carbo, the Tribune, called upon him aloud, in the assembly of the People, to declare what he thought of the death of Gracchus. "I must think," he said, "that if Gracchus meant to overturn the government of his country, his death was fully merited." This declaration the multitude interrupted with murmurs of aversion and rage. Upon which Scipio raising his tone, expressed the contempt under which it seems that the populace of Rome had already fallen. "I have been accustomed," he said, "to the shout of warlike enemies, and cannot be affected by your dastardly cries." Then alluding to the number of enfranchised slaves that were enrolled with the Tribes of the city, upon a second cry of displeasure, he continued. "Peace, ye aliens and step-children of Italy".¹² You are now free, but many of you I have brought to this place in fetters, and sold at the halberd for slaves." Some were abashed by the truth, and

¹¹ Plutarch, in Vit. Tiberii Gracchi.

¹² Velleius Paterculus, lib. ii. c. 4.

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B O O K all by the boldness of this contemptuous reproach,
II. and showed that popular assemblies, though vested with supreme authority, may be sometimes insulted, as well as courted, with success.

The part which Scipio took on this occasion was the more remarkable, that he himself was to be reckoned among the poorer citizens, and might have been a gainer by the rigorous execution of the Licinian law. His whole inheritance, according to Pliny, amounted to thirty-two pounds, or three hundred and twenty ounces of silver, which might be now valued at about two hundred and eighty pounds sterling.

Lex Papiria.
Tabellaria
Tertia.

Papirius Carbo spent the year of his Tribunate in fomenting the animosity of the People against the Senate, and in promoting dangerous innovations. He obtained a law, by which the votes of the People, in questions of legislation as well as election¹³, and the opinions of the judges in determining causes, were to be taken by ballot.

He was less successful in the motion he made for a law to enable the same person to be repeatedly chosen into the office of Tribune. He was supported in this motion by Caius Gracchus; opposed by Scipio, Lælius, and the whole authority of the Senate¹⁴, who dreaded the perpetuating in any one person a power, which the sacredness of the character, and the attachment of the populace, rendered almost sovereign and irresistible.

¹³ Cic. de Legibus, lib. iii.

¹⁴ Cic. de Amicitia.

While the interests of party were exerted in these several questions at home, the State was laying the foundation of new quarrels abroad, and opening a scene of depredation and conquest in what was then the wealthiest part of the known world. Soon after the death of Attalus, king of Pergamus, who had bequeathed his kingdom to the Romans, Aristonicus, his natural brother, being the illegitimate son of Eumenes, made pretensions to the throne of Pergamus, and was supported by a powerful party among the people. The Romans did not fail to maintain their right: Crassus, one of the Consuls of the preceding year, had been sent with an army into Asia for that purpose, but in his first encounter with Aristonicus was defeated and taken. He was afterwards killed while a captive in the hands of the enemy; having intentionally provoked one of his guards to lay violent hands on him, and thus ended a life which he thought was dishonored by his preceding defeat.

U. C. 622.

The following year, the Consul Perperna being sent on this service, and having, with better fortune than Crassus, defeated and taken Aristonicus, got possession of the treasure and kingdom of Attalus, but died in his command at Pergamus. From this time the Romans took a more particular concern than formerly in the affairs of Asia. They employed Scipio Emilianus, with Sp. Mummius, and L. Metellus, on a commission of observation to that country. We are told that the equipage of Scipio upon this occasion consisted of seven slaves; and this, as a mark or characteristic of the times, is

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II.

perhaps more interesting than any thing else we could be told of the embassy. The object of the commission appears to have related to Egypt as well as to Asia¹⁵, though there was not any power in either that seemed to be in condition to alarm the Romans. Ptolemy Euergates had succeeded to the throne of Egypt, but was expelled by the people of Alexandria. Antiochus, king of Syria, had been recently engaged in a very unsuccessful war with the Parthians; and it had not yet appeared how far it concerned the Romans to observe the king of Pontus, or to consider of the measures to be taken against him for the security of their possessions in Asia.

In whatever degree the Roman embassy found worthy objects of attention in the state of the Asiatic powers, matters were hastening in Italy to a state of great distraction and ferment, on account of the violence with which the Agrarian law was put in execution by Papirius Carbo, Fulvius Flaccus, and Caius Gracchus, the commissioners appointed for this purpose. As the law authorized them to call upon all persons possessed of public lands to evacuate them, and submit to a legal division; they, under this pretence, brought into question all the rights of property throughout Italy, and took from one and gave to another as suited their pleasure; some suffered the diminution of their estates with silent rage; others complained that they were violently removed from lands which

¹⁵ Valerius Maximus, lib. iv. c. 3.

they had cultivated, to barren and inhospitable situations; even they who were supposed to be favored, complained of the lots they received. Many were aggrieved, none were satisfied.

Moved by the representations which were made of these abuses, Scipio, at his return from Asia, made a harangue in the Senate, by which he drew upon himself an invective from Fulvius, one of the commissioners. He did not propose to repeal the law, but that the execution of it should be taken out of the hands of so pernicious a faction, and committed to the Consul Sempronius Tuditanus, who remained in the administration of affairs in Italy, while his colleague Aquilius had gone to Asia to finish the transaction in the conduct of which Perperna died.

It is mentioned that Scipio, in this speech to the Senate, complained of insults and threats to his own person, which induced all the members, with a great body of the more respectable citizens, to attend him in procession to his own house. Next morning he was found dead in his bed¹⁶; and, notwithstanding the suspicions of violence transmitted by different authors, nothing certain appears upon record; and no inquest was ever made to discover the truth of these reports. This illustrious citizen, notwithstanding his services, had incurred so much the displeasure of the People, that he had not the honors of a public funeral. If he had not died at this critical time, the Senate, it was

¹⁶ Cic. de Amicitia.

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BOOK supposed, meant to have named him Dictator, for
II. the purpose of purging the State of the evils with which it was now oppressed.

The occasion, however, was not sufficient to make the Senate persist in their intention to name a Dictator; nor is there any thing material recorded as having happened during a few of the following years. Quintus Cæcilius Metellus Macedonicus, and Quintus Pompeius, were Censors; both of Plebeian extraction; of which this is recorded as the first example. Metellus, at the Census, made a memorable speech, in which he recommended marriage, the establishment of families, and the rearing of children. This speech being preserved, will recur to our notice again, being read by Augustus in the Senate, as a lesson equally applicable to the age in which he lived.

The people who were fit to carry arms, as appeared at their enrolment, amounted to three hundred and seventeen thousand eight hundred and twenty - three. But what is most memorable in the transactions of this muster, was the disgrace of Caius Attinius Labeo, who, being struck off the rolls of the Senate by Metellus, afterwards became Tribune of the People; and, by the difficulty with which the effect of his unjust revenge came to be prevented, showed the folly of making the will of any officer sacred, in order to restrain the commission of wrongs.

Metellus, in returning from the country, about

about noon, while the market-place was thin of people, found himself suddenly apprehended by this vindictive Tribune, and ordered to be thrown immediately from the Tarpeian Rock. The People assembled in crowds, were sensible of the Tribune's breach of the sacred trust reposed in him; and, accosting Metellus by the name of Father, lamented his fate: but, unless another Tribune could be found to interpose in his favor, there was no other power in the commonwealth that could, without supposed profanation, interrupt a Tribune even in the commission of a crime. Metellus struggled to obtain a delay, was overpowered and dragged through the streets, while the violence he suffered made the blood to spring from his nostrils. A Tribune was with difficulty found in time to save his life; but Attinius having, with a lighted fire and other forms of consecration, devoted his estate to sacred uses, it is alleged that he never recovered it¹⁷.

Such was the weak state to which the government was reduced by the late popular encroachments, that this outrageous abuse of power was never punished; and such the moderation of this great man's family, that though he himself lived fifteen years in high credit after this accident, saw his family raised to the highest dignities,

¹⁷ Plin. lib. vii. c. 44. Cicero, in pleading to have his house restored to him, though devoted to sacred uses, states the form of consecration in the case of Metellus, but denies the effect of it. *Pro domo sua*, c. 47.

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BOOK II. and was carried to his grave by four sons, of whom one had been Censor, two had triumphed, three had been Consuls, and the fourth, then Prætor, was candidate for the Consulship, which he obtained in the following year; yet no one of this powerful family chose to increase the disturbances of the commonwealth, by attempting to revenge the outrage which their father had suffered¹⁸.

Lex Attinia. Caius Attinius is mentioned as being the person who obtained the admission of the Tribunes, in right of their office, as members of the Senate¹⁹.

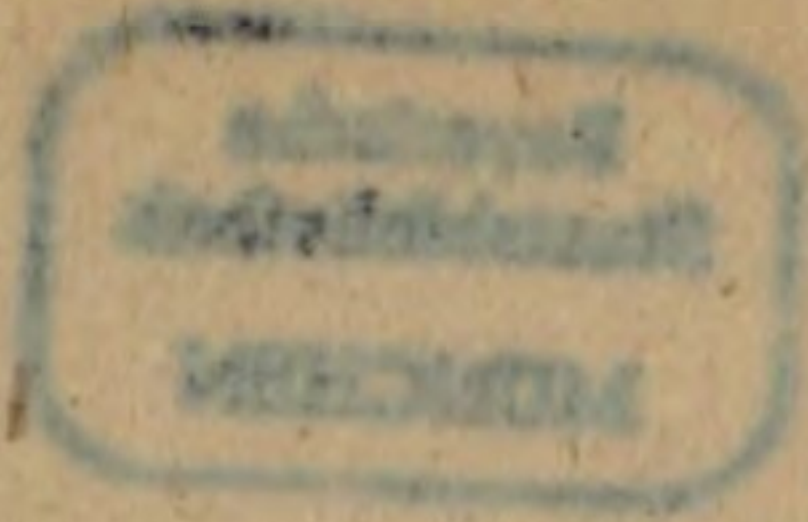
The Consul Sempronius, though authorized by the Senate to restrain the violence of the commissioners who were employed in the execution of the Agrarian Law, declined that hazardous business, and chose rather to encounter the enemy in the province of Istria, where he made some conquests and obtained a triumph.

In the same turbulent times lived Pacuvius, the tragic poet, and Lucilius, inventor of the satire. The latter, if we suppose him to be the same whose name is found in the list of Quæstors, was a person of rank, and moved in the line of political preferment.

Historians mention a dreadful eruption of Mount Ætna, the effect of subterraneous fires, which shaking the foundations of Sicily and the

¹⁸ Plin. lib. vii. c. 44.

¹⁹ A. Gellius, lib. xiv. c. 8.



neighbouring islands, gave explosions of flame, not only from the crater of the mountain, but likewise from below the waters of the sea, and forced sudden and great inundations over the islands of Liparé and the neighbouring coasts.

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CHAP. III.

State of the Italian Allies, and the views which now began to be conceived by them. — Appearance of Caius Gracchus. — Resolution to purge the City of Aliens. — Consulate and factious Motions of Fulvius Flaccus. — Conspiracy of Fregellæ suppressed. — Caius Gracchus returns to Rome. — Offers himself Candidate for the Tribunate. — Address of Cornelia. — Tribunate and Acts of Caius Gracchus. — Re-election. — Proposal to admit the Inhabitants of Italy on the Rolls of Roman Citizens. — Popular Acts of Gracchus and Livius. — The Senate begin to prevail. — Death of Caius Gracchus and Fulvius.

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U. C. 627.

THE eruption of Mount Ætna, and the other particulars relating to the natural history of Italy, with the mention of which we concluded our last chapter, were considered as prodigies, and as the presages of evils which were yet to afflict the republic. At this time indeed the State of Italy seemed to have received the seeds of much trouble, and to contain ample materials of civil combustion. The citizens, for whom no provision had been made at their return from military service, or who thought themselves partially dealt with in the colonies, the leaders of tumult and faction in the city, were now taught to consider the

land-property of Italy, as their joint inheritance. C H A P.
They were, in imagination, distributing their lots, III.
and selecting their shares.

In the mean time, the inhabitants of the Municipia, or free towns, and their districts, who, not being citizens, served the State as allies, had reason to dread the rapacity of such needy and powerful masters. They themselves likewise began to repine under the inequality of their condition. They observed, that while they were scarcely allowed to retain the possessions of their ancestors, Rome, aided by their arms, had gained that extensive dominion, and obtained that territory, about which the poor and the rich were now likely to quarrel among themselves. "The Italian allies," they said, "must bleed in this contest, no less than they had done in the foreign or more distant wars of the commonwealth." They had been made, by the professions of Tiberius Gracchus, to entertain hopes that every distinction in Italy would soon be removed, that every freeman in the country would be enrolled as a citizen of Rome, and be admitted to all the powers and pretensions implied in that designation. The consideration of this subject, therefore, could not be long delayed; and the Roman Senate, already struggling with attacks of their fellow citizens, had an immediate storm to apprehend from the allies.

The revolutions of the State had been so frequent, and its progress from small beginnings to a great empire, had been so rapid, that the changes to

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which men are exposed, and the exertions of which they are capable, no where appear so conspicuous, or are so distinctly marked.

In the first ages the political importance of a Roman citizen appears not to have been felt or understood. Conquered enemies were removed to Rome, and their captivity consisted in being forced to be Romans, to which they submitted with great reluctance. It is not to be doubted that every foreigner was welcome to take his place as a Roman citizen in the assembly of the People; that many were admitted into the Senate¹, and some even on the throne². It is likely also, that the first colonies considered themselves as detached from the city of Rome, and as forming cantons apart; for we find them, like the other States of Italy, occasionally at war with the Romans.

But when the sovereignty of Italy came to be established at Rome, and was there actually exercised by the collective body of the People, the inhabitants of the colonies, it is probable, laid claim to their votes in elections, and presented themselves to be enrolled in the Tribes. They felt their consequence and their superiority over the Municipia, or free towns in their neighbourhood, to whom, as a mark of distinction and an act of munificence, some remains of independence had been left. Even in this state, the rolls of the People had been very negligently compiled, or preserved.

¹ The Claudian family were aliens, and an alien from Tarquinii.

² Tarquinius Priscus was of Greek extraction.

The Kings, the Consuls, the Censors, who were the officers, in different ages of the State, intrusted with the musters, admitted on the rolls such as presented themselves, or such as they chose to receive. One Consul invited all the free inhabitants of Latium to poll in the assemblies of the People; another rejected them, and in time of elections forbid them the city. But notwithstanding this prohibition, aliens that were brought to Rome on a foot of captivity, were suffered by degrees to mix with the citizens³. The inhabitants of the free towns, removing to Rome upon any creditable footing, found easy admission on the rolls of some tribe. The towns complained they were depopulated. The Romans endeavoured to shut the gates of their city by repeated scrutinies, and the prohibition of surreptitious enrolments: but in vain. The practice still continued, and the growing privilege, distinction, and eminence of a Roman citizen made that title become the great object of individuals, and of entire cantons. It had already been bestowed upon districts whose inhabitants were not distinguished by any singular merit with the Roman State. In this respect all the allies were nearly equal; they had regularly composed at least one half in every Roman army, and had borne an equal share in all the dangers and troubles of the commonwealth; and, from having valued themselves of old on their separate titles and national distinctions, they began now to aspire to a share in the

³ This happened particularly in the case of the Campanians.

B O O K II. sovereignty of the empire, and wished to sink for ever their provincial designations under the general title of Romans.

Not only the great power that was enjoyed in the assembly of the People, and the serious privileges that were bestowed by the Porcian law, but even the title of citizen in Italy, of legionary soldier in the field, and the permission of wearing the Roman gown, were now ardently coveted as marks of dignity and honor. The city was frequented by persons who hoped separately to be admitted in the Tribes, and by numbers who crowded from the neighbouring cantons, on every remarkable day of assembly, still flattering themselves, that the expectations which Gracchus had raised on this important subject might soon be fulfilled.

U. C. 627.

Consuls; M. Emilius Lepidus, L. Aurelius Orestes.

In this state of affairs, the Senate authorized Junius Pennus, one of the Tribunes, to move the People for an edict to prohibit, on days of election or public assembly, this concourse of aliens, and requiring all the country-towns in Italy to lay claim to their denizens, who had left their own corporations to act the part of citizens at Rome.

On this occasion, Caius Gracchus, the brother of the late unfortunate Tribune, stood forth, and made one of the first appearances, in which he showed the extent of his talents, as well as the party he was likely to espouse in the commonwealth. This young man, being about twenty years of age when the troubles raised by his elder brother had so much disturbed the republic, and when they

ended so fatally for himself, had retired upon that catastrophe from the public view, and made it uncertain whether the fate of Tiberius might not deter him, not only from embracing like dangerous counsels, but even from entering at all on the line of political affairs. His retirement, however, he spent in such studies as were then come into repute, on account of their importance, as a preparation for the business of the courts of justice, of the Senate, and of the popular assemblies; and the first appearance he made gave evidence of the talents he had acquired for these several departments. His parts seemed to be quicker, and his spirit more ardent, than that of his elder brother; and the people conceived hopes of having their pretensions revived, and more successfully conducted, than under their former leader. The cause of the country-towns, in which he now engaged, was specious, and tended to form a new, a numerous, and a formidable party in Italy, likely to join in every factious attempt which might throw the public into disorder, and make way for the promiscuous admission of aliens on the rolls of the People. This cause, however, was fraught with so much confusion to the State, and tended so much to lessen the political consequence of those who were already citizens, that the argument in favor of the resolution to purge the city of aliens prevailed, and an act to that purpose accordingly was passed * in the assembly of the People.

* Sextus Pompeius Festus in voce Republica. Cicero in Bruto, in Officiis, lib. iii.

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It deserves to be recorded, that amidst the inquiries set on foot in consequence of this edict, or about this time, Perperna, the father of a late Consul⁵, was claimed by one of the Italian corporations, and found not to have been a citizen of Rome. His son, whom we have already mentioned, having vanquished and taken Aristonicus, the pretended heir of Attalus, died in his command at Pergamus; and he is accordingly said to have been a rare example of the caprice of fortune, in having been a Roman Consul, though not a Roman citizen. This example may confirm what has been observed of the latitude which officers took in conducting the Census.

U. C. 628.

M. Plautius

Hypsæus, M.

Fulvius Flaccus.

The fires of sedition which had sometime preyed on the commonwealth were likely to break out with increasing force upon the promotion of Fulvius Flaccus to the dignity of first magistrate. This factious citizen had blown up the flame with Tiberius Gracchus, and having succeeded him in the commission for executing the Agrarian law, never failed to carry the torch wherever matter of inflammation or general combustion could be found. By his merit with the popular party he had attained his present eminence, and was determined to preserve it by continuing his services. He began the functions of his office by proposing a law to communicate the right of citizens to the allies or free inhabitants of Italy; a measure which tended to weaken the power of the Senate, and to increase

Leges Fulviæ.

⁵ Valerius Maximus, lib. iii. c. 4.

the number of citizens greatly beyond what could be assembled in one collective body. Having failed in this attempt, he substituted a proposal in appearance more moderate, but equally dangerous, That whoever claimed the right of citizen, in case of being cast by the Censors, who were the proper judges, might appeal to the People*. This would have conferred the power of naturalization on the popular leaders; and the danger of such a measure called upon the Senate to exert its authority and influence in having this motion also rejected.

When the Consul appeared to be fairly entered on his career, and, by uniting the power of the supreme magistracy with that of a commissioner for dividing the property of lands, was likely to break through all the forms which had hitherto retarded the execution of the Agrarian law, he was with difficulty persuaded to assemble the Senate, and to take his place. The whole body joined in representations against these dangerous measures, and in a request that he would withdraw his motions. To these applications he made no reply⁷; but an occasion soon offered, by which the Senate was enabled to divert him from his purpose. A deputation arrived from Marseilles, then in alliance with Rome, to entreat the support of the republic against the Saluvii, a neighbouring nation, who had invaded their territories. The Senate gladly

* Appian. de Bell. Civ. lib. i.

⁷ Val. Max. lib. ix. c. 5.

B O O K embraced this opportunity to find a foreign employ-
II. ment for the Consul, decreed a speedy aid to the city of Marseilles, and appointed M. Fulvius Flaccus to that service. Although this incident marred or interrupted for the present his political designs, yet he was induced, by the hopes of a triumph, to accept of the command which offered, and, by his absence, to relieve the city for a while from the alarms which he had given. Caius Gracchus too was gone in the capacity of Proquæstor to Sardinia; and the Senate, if they could by any pretences have kept those unquiet spirits at a distance, had hopes of restoring the former order of the commonwealth.

In this interval some laws are said to have passed respecting the office and conduct of the Censors. The particulars are not mentioned; but the object probably was, to render the magistrate more circumspect in the admission of those who claimed to be numbered as citizens. Such was likely to be the policy of the Senate, in the absence of demagogues, who, by proposing to admit the allies on the rolls of the People, had awakened dangerous pretensions in every corner of Italy. It soon appeared how seriously these pretensions were adopted by the country-towns; for the inhabitants already bestirred themselves, and were beginning to devise how they might extort by force what they were not likely to obtain with consent of the original denizens of Rome. A suspicion having arisen of such treasonable concerts forming at Fregellæ, the Prætor Opimius had a special commission to inquire

into the matter, and to proceed as he should find the occasion required. Having summoned the chief magistrate of the place to appear before him, he received, upon a promise of doing no violence to his person, full information of the combinations that had been forming against the government of Rome. So instructed, he assembled such a force as was necessary to support him in asserting the authority of the State; and thinking it necessary to give a striking example in a matter of so dangerous and infectious a nature, he ordered the place to be rased to the ground*.

By this act of severity, the designs of the allies were for a while suspended, and might have been entirely suppressed, if the factions at Rome had not given them fresh encouragement and hopes of success or impunity. This transaction was scarcely past, when Caius Gracchus appeared in the city to solicit the office of Tribune; and, by his presence, revived the hopes of the allies. Having observed, that the Proconsul Aurelius Cotta, under whom he served as Proquæstor in Sardinia, instead of being recalled, was continued in his command, and furnished with reinforcements and supplies of every sort as for a service of long duration; and suspecting, that this measure was pointed at himself, and proceeded from a design to keep him at a distance from the popular assemblies, he quitted his station in Sardinia, and returned without leave.

U. C. 629.
C. Cassius
Longinus,
C. Sextius
Calvinus.

* Liv. lib. li. Velleius, Obsequens. Cic. lib. ii. De Inventione; De Finibus, v. Ibid. Rhetor. lib. iv.

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II.

He was called to account by the Censors for deserting his duty; but defended himself with such ability and force, as greatly raised the expectations which had already been entertained by his party⁹.

The law, he said, required him only to carry arms ten years, he had actually carried them twelve years; although he might legally have quitted his station of Quæstor at the expiration of one year, yet he had remained in it three years. However willing the Censors may have been to remove this pest from the commonwealth, they were too weak to attempt any censure in this state of his cause, and in the present humor of the People. They endeavoured, in vain, to load him with a share in the plot of Fregellæ; he still exculpated himself: and, if he had possessed every virtue of a citizen, in proportion to his resolution, application, eloquence, and even severity of manners, he might have been a powerful support to the State. In a speech to the People, on his return from Sardinia, he concluded with the following remarkable words: "The purse which I carried full to the province, I have brought empty back. Others empty the wine casks which they carry from Italy, and bring them from the provinces replenished with silver and gold"¹⁰.

In declaring himself a candidate for the office of Tribune, Caius Gracchus professed his intention to propose many popular laws. The Senate exerted all their influence to disappoint his views; but

⁹ Plutarch, in C. Graccho.

¹⁰ A. Gellius, lib. xv. c. 12.

such were the expectations of the popular party throughout all Italy, that they crowded to the election in greater numbers than could find place in the public square. They handed and reached out their ballots at the windows and over the battlements; and Gracchus, though elected, was, in consequence of the opposition given to him, only fourth in the list".

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III.

Cornelia, the mother of the Gracchi, who, ever since the death of her son, Tiberius, lived in retirement in Campania, upon hearing of the career which her son, Caius, was likely to run, alarmed at the renewal of a scene which had already occasioned her so much sorrow, expostulated with him on the course he was taking; and, in an unaffected and passionate address, spoke with that ardent zeal for the republic, by which the citizens of Rome had been long distinguished.

This high-minded woman, on whom the entire care of her family had devolved by the death of her husband, whilst the children were yet in their infancy, or under age, took care, with unusual attention, to have them educated for the rank they were to hold in the State, and did not fail even to excite their ambition. When Tiberius, after the disgrace of Mancinus, appeared to withdraw from the road of preferments and honors, "How long," she said, "shall I be distinguished as the mother-in-law of Scipio, not as the mother of the Gracchi?" This latter distinction, however, she came to possess; and it has remained with her name, but from

" Plutarch, Appian, Orosius, Eutrop. Obsequens.

B O O K

II.

circumstances and events which this respectable personage by no means appeared to desire. In one fragment of her letters to Caius, which is still preserved, "You will tell me," she said, "that it is
 " glorious to be revenged of our enemies. No one
 " thinks so more than I, if we can be revenged
 " without hurt to the republic; but if not, often
 " may our enemies escape. Long may they be
 " safe, if the good of the commonwealth requires
 " their safety." In another letter, which appears to be written after his intention of suing for the Tribunate was declared, she accosts him to the following purpose: "I take the Gods to witness, that
 " except the persons who killed my son, Tiberius,
 " no one ever gave me so much affliction as you
 " do in this matter. You, from whom I might
 " have expected some consolation in my age, and
 " who, surely, of all my children, ought to be
 " most careful not to distress me! I have not many
 " years to live. Spare the republic so long for my
 " sake. Shall I never see the madness of my family
 " at an end? When I am dead, you will think
 " to honor me with a parent's rites; but what
 " honor can my memory receive from you, by
 " whom I am abandoned and dishonored while
 " I live? But, may the Gods forbid you should
 " persist! if you do, I fear the course you are
 " taking leads to remorse and distraction, which
 " will end only with your life ¹²."

¹² Fragmenta Corn. Nepotis ab Andrea Scotto collecta, edita cum scriptis Corn. Nepotis.

These

These remonstrances do not appear to have had any effect. Caius, upon his accession to the Tribune, proceeded to fulfil the expectations of his party. The Agrarian law, though still in force, had met with continued interruption and delay in the execution. It was even falling into neglect. Caius thought proper, as the first act of his magistracy, to move a renewal and confirmation of it, with express injunctions, that there should be an annual distribution of land to the poorer citizens¹³. To this he subjoined, in the first year of his office, a variety of regulations tending either to increase his popularity, or to distinguish his administration. Upon his motion, public granaries were erected, and a law was made, that the corn should be issued from thence monthly to the People, two parts in twelve under the prime or original cost¹⁴.

This act gave a check to industry, which is the best guardian of manners in populous cities, or wherever multitudes of men are crowded together.

Caius likewise obtained a decree, by which the estates of Attalus, king of Pergamus, lately bequeathed to the Romans, should be let in the manner of other lands under the inspection of the Censors; but the rents, instead of being made par-

CHAP.
III.

Lex Sem-
pronia agra-
ria.

Lex fru-
mentaria.

¹³ Liv. lib. lx. Velleius, lib. ii. Hyginus de Limitibus. Appian, de Viris illustribus.

¹⁴ Semisse & tricenti, for a half and a third, &c. Liv. Plutarch. Appian. ibid.

BOOK II. of the public revenue, should be allotted for the maintenance of the poorer citizens ¹⁵.

Another, by which any person deposed from an office of magistracy by the People, was to be deemed for ever disqualified to serve the republic in any other capacity ¹⁶. This act was intended to operate against Octavius, who by the influence of Tiberius, had been degraded from the office of Tribune; and the act took its title from the name of the person against whom it was framed.

An act to regulate the conditions of the military service ¹⁷, by which no one was obliged to enter before seventeen years of age, and by which Roman soldiers were to receive clothing as well as pay ¹⁸; possibly the first introduction of a uniform into the Roman Legions; a circumstance which, in modern times, is thought so essential to the character of troops, and the appearance of an army.

By the celebrated law of Porcius, which allowed of an appeal to the People, every citizen had a remedy against any oppressive sentence or proceeding of the executive magistrate; but this did not appear to Gracchus a sufficient restraint on the officers of State. He proposed to have it enacted, that no person, under pain of a capital punishment should at all proceed against a citizen without a

¹⁵ Florus, lib. iii. c. 15. Cicer. in Verrem.

¹⁶ Privilegium in Octavium.

¹⁷ De militum commodis.

¹⁸ Plutarch, in C. Graccho.—Lex Sempronia de libertate civium.

special commission or warrant from the People to that effect. And he proposed to give this law a retrospect, in order to comprehend Popilius Lænas¹⁹, who being Consul in the year after the troubles occasioned by Tiberius Gracchus, had, under the authority of the Senate alone, proceeded to try and condemn such as were accessory to that sedition. Lænas perceived the storm that was gathering against him, and chose to avoid it by a voluntary exile. This act was indeed almost an entire abolition of government, and a bar to the exercise of such ordinary powers as were necessary to the peace of the commonwealth. A popular faction could withhold every power, which, in their apprehension, might be employed against themselves; and in their most pernicious designs had no interruption to fear from the Dictator named by the Senate and Consuls, nor from the Consul armed with the authority of the Senate for the suppression of disorders; a resource to which the republic had frequently owed its preservation. As we find no change in the proceedings of the State upon this new regulation, it is probable that the absurdity of the law prevented its effect.

While Gracchus thus proposed to make all the powers of the State depend for their existence on the occasional will of the People, he meant to render the assemblies of the People themselves more democratical by stripping the higher classes of the prerogative, precedence, or influence they possessed,

¹⁹ Cicer. in Cluentio; pro Rabirio; pro domo sua.

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in leading the public decisions. The Centuries being hitherto called to vote in the order of their classes, those of the first or highest class, by voting first, set an example which was often followed by the whole ²⁰. By the statute of Gracchus, the Centuries were required, in every question, to draw lots for the prerogative, and gave their votes in the order they had drawn.

Under this active Tribune, much public business, that used to pass through the Senate, was engrossed by the popular assemblies. Even in the form of these assemblies, all appearance of respect to the Senate was laid aside. The Rostra, or platform on which the presiding magistrate stood, was placed in the middle of an area, of which one part was the market-place, surrounded with stalls and booths for merchandize, and the courts of justice; the other part, called the Comitium, was open to receive the People in their public assemblies; and on one side of it, fronting the Rostra, or bench of the magistrates, stood the Curia, or Senate-house. The People, when any one was speaking, stood partly in the market-place, and partly in the Comitium. The speakers directed their voice to the Comitium, so as to be heard in the Senate. This disposition, Gracchus reversed, and directing his voice to the Forum, or market-place, seemed to displace the Senate, and deprive that body of their office as watchmen and guardians of the public

²⁰ The first Century was called the Prerogativa.

order in matters that came before the popular assemblies ²¹. C H A P.
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At the time that the Tribune Caius Gracchus engaged the minds of his contemporaries, and furnished history chiefly with these effects of his factious and turbulent spirit, it is observed, that he himself executed works of general utility; bridges, highways, and other public accommodations throughout Italy. And that the State having carried its arms, for the first time, over the Alps, happily terminated the war with the Saluvii, a nation of Gaul, whose territory became the first province of Rome in that country. And that Caius Sextius, Consul of the preceding year, was authorized to place a colony in the neighbourhood of the hot springs, which, from his name, were called the *Aquæ Sextiæ*, and are still known by a corruption of the same appellation ²².

From Asia, at the same time, it was reported, that Ariarathes, the king of Cappadocia, and ally of the Romans, was murdered, at the instigation of Mithridates, king of Pontus, whose sister he had married; that he had left a son for whom Mithridates affected to secure the kingdom; but that the widowed queen having fallen into the hands of Nicomedes, king of Bithynia, this prince, in her right, had taken possession of Cappadocia, while

²¹ M. Varro de Re Rustica, lib. i. c. 2. Cic. de Amicitia. Plutarch, in Vit. Caii Gracchi.

²² At Aix, in Provence.

BOOK II. Mithridates, in name of his nephew, was hastening to remove him from thence. On this subject a resolution was declared in the assembly of the People at Rome, that both Nicomedes and Mithridates should be required immediately to evacuate Cappadocia, and to withdraw their troops. This resolution Caius Gracchus opposed with all his eloquence and his credit, charging his antagonists aloud with corruption, and a clandestine correspondence with the agents, who, on different sides, were now employed at Rome in soliciting this affair. "None of us," he said, "stand forth in this place for nothing. Even I, who desire you to put money in your own coffers, and to consult the interest of the State, mean to be paid, not with money indeed, but with your favor and a good name. They who oppose this resolution likewise covet, not honors from you, but money from Nicomedes; and they who support it, expect to be paid by Mithridates, not by you. As for those who are silent, they, I believe, understand the market best of all. They have heard the story of the poet, who being vain that he had got a great sum of money for rehearsing a tragedy, was told by another, that it was not wonderful he had got so much for talking, when I, said the other, who it seems knew more than he was wished to declare, have got ten times as much for holding my tongue. There is nothing that a king will buy at so great a price, on occasion, as silence²¹."

²¹ A. Gellius, lib. ii. c. 10.

Such, at times, was the style, in which this popular orator chose to address his audience. Individuals are won by flattery, the multitude by buffoonery and satire. From the tendency of this speech, it appears to have been the opinion of Gracchus, not that the Romans should sequester the kingdom of Cappadocia for the heirs of Ariarathes, but that they should seize it for themselves. The question, however, which now arose relating to the succession to this kingdom, laid the foundation of a tedious and bloody war, of which the operations and events will occur in their place.

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Gracchus, on the approach of the election of Consuls, employed all his credit and influence to support Caius Fannius, in opposition to Opimius, who, by his vigilance and activity in suppressing the treasonable designs of the allies at Fregellæ, had incurred the displeasure of the popular party; and Fannius being accordingly chosen, together with Cn. Domitius Ahenobarbus, Gracchus proceeded to offer himself as a candidate to be re-elected into the office of Tribune. In this he followed the example of his brother Tiberius, in a step, which, being reckoned illegal as well as alarming, was that which hastened his ruin. An attempt had been since made by Papirius Carbo to have the legality of such re-elections acknowledged; but this having failed, Caius Gracchus, with great address, inserted in one of his popular edicts, a clause declaring it competent for the People to re-elect a Tribune, in case he should need a continuation of

U. C. 639.
C. Fannius,
Cn. Domi-
tius Ahenobarbus.

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his power in order to fulfil his public engagements. To avail himself of this clause, he now declared, that his views in behalf of the People were far from being accomplished. Under this pretence he obtained a preference to one of the new candidates, and greatly strengthened the tribunitian power by the prospect of its repeated renewals, and duration for an indefinite time.

Lex Sem-
pronia Ju-
diciaria.

Upon his re-election, Caius, continuing his administration upon the same plan of animosity to the Senate, obtained a law to deprive that body of the share which his brother had left them in the courts of justice; and ordaining, that the judges, for the future, should be draughted from the Equestrian order alone, a class of men, who being left out of the Senate, and of course not comprehended in the laws that prohibited commerce, had betaken themselves, as has been observed²⁴, to lucrative professions, were the farmers of the revenue, the contractors for the army, and, in general, the merchants who conducted the whole trade of the republic. Though they might be considered as neutral in the disputes of the Senate and People, and therefore impartial where the other orders were biassed, there was no class of men more likely to prostitute the character of judges for interest or actual hire. This revolution in the courts of justice accordingly may have contributed greatly to hasten the approaching corruption of manners, and the disorders of the government.

The next ordinance prepared by Gracchus, or ascribed to him, related to the nomination of officers to govern the provinces, and, if it had been strictly observed, might have made some compensation for the former. The power of naming such officers was committed to the Senate, and the arrangements were to be annually made before the election of Consuls. This continued to be law, but was often over-ruled by the People²⁵.

In the same year, the boldest and most dangerous project that had ever been formed by any of the popular leaders, that for admitting the Italian allies upon the rolls of the Roman People, already attempted by Fulvius Flaccus, was again renewed by Caius Gracchus; and, upon the utmost exertion of the vigilance and authority of the Senate, with great difficulty prevented.

The rumor of this project having brought multitudes to Rome, the Senate thought it necessary to give the Consuls in charge to clear the city, on the day that this important question was expected to come on, of all strangers, and not to suffer any aliens to remain within four miles of the walls. During the dependance of this question, Gracchus flattered the poorer citizens with the prospect of advantageous settlements, in certain new colonies, of six thousand men each, which he proposed to plant in the districts of Campania and Tarentum, the most cultivated parts of Italy, and in colonies,

²⁵ Florus, lib. iv. c. 13. Sallust. de Bell. Jugurth. N°. 621. Cicero de Provinciis Consularibus.

B O O K which he likewise proposed to send abroad into
II. some of the richest provinces. Such settlements had been formerly made to occupy and secure recent conquests; they were now calculated to serve as baits to popular favor, and as a provision, made by the leaders of faction, for their own friends and adherents.

The Senate, attacked by such popular arts, resolved to retort on their adversaries; and for this purpose instructed Marcus Livius, another of the Tribunes, to take such measures as should, if possible, supplant Gracchus in the favor of the People. Livius, professing to act in concert with the Senate, proposed a number of acts: one to conciliate the minds of the allies, by giving them, while they served in the army, the same exemption from corporal punishment, which the Roman citizens had enjoyed.

**Lex Livia de
Tergo Civi-
um Latini
Nominis**

Another for the establishment of twelve different colonies, each of three thousand citizens. But what, possibly, had the greatest effect, because it appeared to exceed in munificence all the edicts of Gracchus, was an exemption of all those lands, which should be distributed in terms of the late Sempronian Law, from all quit-rents and public burdens, which had hitherto, in general, been laid on all possessions that were held from the Public²⁶. It was proposed to name ten commissioners to distribute lands thus unincumbered to the People; and three colonies are mentioned,

²⁶ Plutarch. Paulus Minutius de Legibus Romanis.

Syllaseum, Tarentum, and Neptunia, as having been actually sent abroad this year, and probably on these terms. C H A P.
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About the same time it was decreed, that the city of Carthage might be rebuilt for the reception of a colony of six thousand Roman citizens. This decree bears the name, not of Sempronius or of Livius, but of Rubrius, another Tribune of the same year. Lex Rubria

The Senate readily agreed to the settlement of these colonies, as likely to carry off a number of the more factious citizens, and to furnish an opportunity likewise of removing from the city, for some time, the popular leaders themselves, under pretence of employing them to conduct and to settle the families destined to form those establishments. Accordingly, Caius Gracchus, and Fulvius Flaccus, late Consul, and now deeply engaged in all these factious measures, were destined to take charge of the new colonists, and to superintend their settlement ²⁷.

In the mean time, the Senate, in the election of Opimius to the Consulship of the following year, carried an important object to the reputation and interest of their party, and conceived hopes of being able, by the authority of this magistrate, to combat the designs of Gracchus more effectually than they had hitherto done. He was accordingly retained in the administration of affairs in Italy, while his colleague, Fabius, was appointed to

U. C. 632.
Con. L.
Opimius,
Q. Fab.
Maximus.

²⁷ Plutarch. Appian. Orosius.

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command in Gaul, Caius Gracchus, having the presumption to offer himself a third time candidate for the office of Tribune, was rejected, and had the mortification to find that the authority of the Senate began to prevail; and, as they had credit enough to procure his exclusion from any share in the magistracy, so they might be able to frustrate or reverse many of the acts he had obtained in favor of his party.

By the repulse of Gracchus and his associates, the aristocratical party came to have a majority, even in the college of Tribunes. Questions of legislation were now likely to be determined in the assembly of the Centuries; and this circumstance alone, while the Senate was able to retain it, was equal to an entire revolution of the government. The Centuries, under the leading of an active Consul, were likely to annul former resolutions with the same decision and rapidity with which they had been passed. Much violence was expected, and the different parties, recollecting what had happened in the case of Tiberius Gracchus, took measures not to be surprised by their antagonists; for the most part came to the place of assembly in bands, even under arms, and endeavoured to possess the advantage of the ground as in the presence of an enemy.

Minucius, one of the Tribunes, in consequence of a resolution of the Senate, pretending that he was moved by some unfavorable presages, proposed a repeal or amendment of some of the late popular acts; and particularly, to change the

destination of the colony intended for Carthage, to some other place. This motion was strenuously opposed by Fulvius Flaccus, and by Caius Gracchus, who treated the report of presages from Africa as a mere fiction, and the whole design as proceeding from the inveterate hatred of the Nobles to the People. Before the assembly met, in which this question was to be decided, these popular leaders attempted to seize the Capitol, but found themselves prevented by the Consul, who had already, with an armed force, secured that station.

In the morning after they had received this disappointment, the People being assembled, and the Consul being employed in offering up the customary sacrifices, Gracchus, with his party, came to their place in the Comitium. One of the attendants of the Consul, who was carrying away the entrails of the victim, reproached Gracchus, as he passed, with sedition, and bid him desist from his machinations against the government of the commonwealth. On this provocation, one of the party of Gracchus struck the Consul's officer with his dagger, and killed him on the spot. The cry of murder ran through the multitude, and the assembly began to break up. Gracchus endeavoured to speak, but could not be heard for the tumult; and all thoughts of business were laid aside. The Consul immediately summoned the Senate to meet; and having reported what had happened in the Comitium, and what appeared to him the first act of hostility in a war, which the popular faction had

B O O K prepared against the State, he received the charge
II. that was usual on perilous occasions, to provide, in the manner which his own prudence should direct, for the safety of the commonwealth. Thus authorized, he commanded the Senators and the Knights to arm, and made proper dispositions to secure the principal streets. Being master of the Capitol and Forum, he adjourned the assembly of the People to the usual place on the following day, and cited the persons accused of the murder to answer for the crime which was laid to their charge.

In consequence of this adjournment, and the Consul's instructions, numbers in arms repaired to the Comitium at the hour of assembly, and were ready to execute such orders as they might receive for the public safety. Gracchus and Fulvius refused to answer the citation, and the Capitol being secured against them, they took post, with a numerous party in arms, on the Aventine Hill, which was opposite to the Capitol, and from which they equally looked down on the Forum and place of assembly. Being again cited to appear at the Tribunal of the Roman people, they sent a young man, one of the sons of Fulvius, to capitulate with the Consul, and to settle the terms on which they were to surrender themselves. Upon this message they were told, in return, that they must answer at the bar of the assembly, as criminals, not pretend to negotiate with the republic, as equals; that no party, however numerous, was entitled to parley with the People of Rome: and to this

answer the messenger was forbid, at his peril, to bring any reply. The party, however, still hoped to gain time, or to divide their enemies; and they ventured to employ young Fulvius again to repeat their message. He was seized by the Consul's order. Gracchus and Fulvius, with their adherents, were declared public enemies; and a reward was offered to the person who should kill or secure them. They were instantly attacked, and, after a little resistance, forced from their ground. Gracchus fled by the wooden bridge to the opposite side of the river, and was there slain, either by his own hand, or by that of a faithful servant, who had undertaken the task of saving him in his last extremity from falling into the power of his enemies. Fulvius was dragged to execution from a bath where he attempted to conceal himself. The heads of both were carried to the Consul, and exchanged for the promised reward.

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In this fray the party of the Senate, being regularly armed and prepared for slaughter, cut off the adherents of Caius Gracchus and Fulvius in greater numbers than they had done those of Tiberius; they killed about three thousand two hundred and fifty in the streets, and confined great numbers who were afterwards strangled in the prisons. The bodies of the slain, as the law ordained, in the case of treason, being denied the forms of a funeral, were cast into the river, and their estates confiscated ²⁸.

²⁸ Appian. Plutarch. Orosius, lib. v. c. 12. Florus, lib. iii. c. 15. Auctor de Viris illustribus, c. 56.

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The house of Fulvius was raised to the ground, the area laid open for public uses; and, from these beginnings, it appeared that the Romans, who in the pursuit of their foreign conquests, had so liberally shed the blood of other nations, might become equally lavish of their own.

C H A P. IV.

State of Order and Tranquillity which followed the Suppression of the late Tumults. — Appearance of Caius Marius. — Foreign Wars. — Complaints against Jugurtha. — Appearance of the Cimbri. — War with Jugurtha. — Campaign and Treaty of Piso. — Jugurtha came to Rome with a safe Conduct. — Obligated to retire from thence. — Campaign of Metellus. — Of Marius. — Jugurtha betrayed by Bocchus. — His Death, after the Triumph of Marius. — This General re-elected, in order to command against the Cimbri.

THE popular party had, in the late tumults, carried their violence to such extremes, as disgusted and alarmed every person who had any desire of domestic peace; and in their ill-advised recourse to arms, but too well justified the measures which had been taken against them. By this exertion of vigor, the Senate, and ordinary magistrates, recovered their former authority; affairs returned to their usual channel, and the most perfect order seemed to arise from the late confusions. Questions of legislation were allowed to take their rise in the Senate, and were not carried to the People, without the sanction of the Senate's authority. The legislative power was exercised in the assembly

C H A P.
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of the Centuries, and the prohibitory or defensive function of the Tribunes, or representatives of the People, was such, as to prevent the abuses of the executive power in the hands of the aristocracy, without stopping the proceedings of government, or substituting a democratical usurpation in its place. Even the judicative power, vested in the Equestrian order, promised to have a salutary effect, by keeping a balance between the different ranks and distinctions of men in the republic.

The aristocratical party, notwithstanding the ascendant they had recently gained, did not attempt to rescind any of the regular institutions of Gracchus; they were contented with inflicting punishments on those who had been accessory to the late sedition, and with re-establishing such of the Nobles as had suffered by the violence of the popular faction. Popilius Lænas, driven into exile by one of the edicts of Gracchus, or by the persecution to which it exposed him, was now recalled upon the motion of Calpurnius Piso, one of the Tribunes¹.

U. C. 633.

Publius
Manlius,
and C. Pa-
pirius Carbo.

As the state of parties was in some measure reversed, Papirius Carbo thought proper to withdraw from the popular side; and by the credit of those now in possession of the government, was promoted to the station of Consul, and yielded the first fruits of his conversion by defending the cause of his predecessor Opimius, who, at the expiration of his Consulship, was brought to trial for having put

¹ Cicero in Bruto.

Roman citizens to death without the forms of law. Carbo, though himself connected with those who suffered, now pleaded the justice and necessity of the late military executions; and, upon this plea, obtained the acquittal of his client.

This merit on the part of Carbo, however, did not so far cancel his former offences as to prevent his being tried and condemned in the following year, as an accomplice in the sedition of Gracchus. He was supposed to have been accessory to the death of Scipio; and his cause not being warmly espoused by any party, he fell a sacrifice to the imputation of this heinous crime. It is said, that, upon hearing his sentence, he killed himself².

Octavius, one of the Tribunes of the present year, moved an amendment of the law obtained by Gracchus, respecting the distribution of corn from the public granaries, probably to ease the treasury in part of that burden; but the particulars are unknown.

Lex Octa-
via Fru-
mentaria.

About this time the celebrated Caius Marius began to appear in the public assemblies of the People. He was a person of obscure birth, and rustic manners, formed amidst the occupations of a peasant³, and the hardships of a legionary soldier, but of a resolute spirit, and insatiable ambition. He was a native of Arpinum, and without any other apparent title than that of being a denizen of Rome, laid claim to the honors of the

² Valerius Max. lib. iil. c. 7. Cicero in Bruto.

³ Juvenal. Sat. viii. Plin. lib. xxxiii. c. 11.

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State. He is remarkable for having suffered more repulses in his first attempts to be elected into office, and for having succeeded more frequently afterwards than any other Roman citizen during the existence of the commonwealth.

Lex Maria
de Suffra-
giis.

Marius, after being disappointed in his first canvass for the office of Tribune, succeeded in the following year. The acts which were passed under his Tribunate, and which bear his name, do not carry any violent expressions of party-spirit, nor give intimation of that insatiate ambition with which he afterwards distressed his country; the first related to the conduct of elections, and provided some remedy for an evil which was complained of in the manner of soliciting votes. The space between the rails, by which the citizens passed to give in their ballots, was so broad as to admit, not only those who came to vote, but the candidates likewise, with their adherents and friends, who came to importune and to overawe the People in the very act of delivering their votes. Marius proposed to put an end to this practice, and to provide for the entire freedom of the People, by narrowing the entrance, so that only the voters could pass. A party of the Nobles, with Aurelius Cotta the Consul at their head, not knowing with what a resolute spirit they were about to contend, being averse to this reformation, prevailed on the Senate to withhold its authority, without which any regular question on this subject, could not be put to the People. But Marius, in the character of Tribune, threatened the Consul with immediate

imprisonment, if he did not move to recal this vote of the Senate. The matter being re-considered, Lucius Metellus, who was first on the Rolls, having given his voice for affirming the first decree, was ordered by Marius into custody; and there being no Tribune to intercede for him, must have gone to prison, if the dispute had not terminated by the majority agreeing to have the matter carried to the People, as Marius proposed, with the Sanction of the Senate's authority.

In another of the acts of Marius the republic was still more indebted to his wisdom and courage, in withstanding an attempt of one of his colleagues to flatter the indigent citizens at the expense of the public treasury, by repealing the recent regulation of Octavius, and lowering the terms on which corn was distributed from the granaries. This was an ordinary expedient of Tribunitian faction. Marius opposed it as of dangerous consequence. And his conduct in this matter marked him out as one not to be awed by any party, and a person, who, into whatever party he should be admitted, was destined to govern. The times indeed were likely to give more importance to his character as a soldier than as a citizen; and in that he was still farther raised above the malice of those who were inclined to revile or undervalue what were called his upstart pretensions *.

From the time that the Romans first passed into the Transalpine Gaul, as auxiliaries to the Republic

* Plutarch, in Mario.

BOOK of Marfeilles, they had kept on foot in that neighbourhood a military force; and, by planting colonies at convenient stations, showed their intention of maintaining possessions on that side of the Alps. 11. Betultus, or Betultich, a prince of the country, who was supposed able to raise a force of two hundred thousand men, attempted to expel these intruders, but was defeated, first by the Proconsul Fabius, afterwards by Domitius Ahenobarbus, and furnished these generals with the subjects of their respective triumphs. This prince himself became a captive to Domitius, and was carried to Rome, where he was led in procession, distinguished by his painted arms and his chariot of silver, the equipage in which it was said he usually led his army to battle⁵.

U. C. 633. It appears that the Romans had employed elephants in the first wars they made in Gaul; for the victory of Domitius is attributed to the effect that was produced by these animals⁶.

Quintus Marcius succeeded Domitius in the command of the forces which were employed in Gaul, and continued to gain ground on the natives, who appeared from different cantons successively to resist his arms. He planted a colony at Narbo, to strengthen the frontier of the newly-acquired province on one side; and as the Romans had hitherto always passed by sea into that country,

⁵ Velleius Pater. Ammianus Marcell. lib. xv. fine. Padionus in Verrinam Secundam. Val. Max. lib. v. c. 9.

⁶ Suetonius in Vita Neronis.

he endeavoured to open a passage by the Alps, in order to have a communication by land with Italy on the other. In the course of these operations the Stæni, an Alpine nation that opposed him were entirely cut off.

About this time the Roman generals obtained their triumphs in different quarters, in the Baleares and in Dalmatia, as well as in Gaul; and the republic did not meet for some years with an enemy able to resist her power, except on the side of Thrace and the Danube, where the Proconsul Cato was defeated; and where a resistance was for some years kept up by the natives.

But of the foreign affairs which occupied the attention of the Romans, the most memorable was the contest of pretenders to the crown of Numidia, which, by the death of Micipsa, the son and successor of Massinissa, came to be disposed of about this time. The late king had two sons, Adherbal and Hiempsal. He had likewise adopted Jugurtha, the natural son of his brother Mastabal, whom he had employed at the head of his armies, thinking it safer to gain him by good offices, than to provoke him by a total exclusion from favor. He had formed a project, frequent among barbarous and despotic sovereigns, but always ruinous, to divide his territories; and he hoped that, while he provided for his own sons, he should secure to them, from motives of gratitude, the protection and good offices of Jugurtha, whom he admitted to an equal share with them in the partition of his kingdom. The consequences of this mistaken

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arrangement soon appeared in the distractions that followed, and which arose from the ambition of Jugurtha, to make himself master of the whole. For this purpose he formed a secret design against the lives of both the brothers, of whom the younger, Hiempsal, fell into his snare, and was assassinated. Adherbal, being more cautious, obliged his crafty enemy to declare himself openly, took the field against him, with all the forces he could raise, but was defeated, and obliged to take refuge in the Roman province, and from thence thought proper to pass into Italy, in order to lay his complaints before the Senate and People of Rome.

Massinissa, the grandfather of this injured prince, had given effectual aid to the Romans in their wars with Carthage; and, upon the final reduction of that Republic, was rewarded with a considerable part of its spoils. From this time forward the Romans expected, and the king of Numidia paid to them, a deference like that of a vassal or tributary prince to his sovereign lord. Upon the faith of this connexion, Adherbal now carried his complaints to Rome; and Jugurtha, knowing how ready the Romans were, in the character of arbitrators, to consider themselves as the sovereigns of other nations, thought proper to send deputies on his part, to counteract the representations of his rival.

This crafty adventurer had served under Scipio at the siege of Numantia, where he had an opportunity of observing the manners and discipline of the Romans, and accommodated himself to both.

He was equally distinguished by his implicit submission to command, as by his impetuous courage, and by the ability of his conduct in every service. He had even then probably directed his views to the succession of Numidia, and saw of what consequence the Romans might prove in deciding his fortunes. He had studied their character, and had already marked out the line he was to follow in conducting his affairs with that People. They appeared to be a number of sovereigns assembled together, able in council and formidable in the field; but, in comparison to the Africans in general, undesigning and simple. With the pride of monarchs they began, he imagined, to feel the indigence of courtiers, and were to be moved by considerations of interest rather than force. His commissioners were now accordingly furnished with ample presents, and with the means of gratifying the principal persons at Rome in a manner that was suited to their respective ranks and to their influence in the commonwealth.

In the choice of this plan, Jugurtha, like most politicians that refine too much, had formed a system with great ingenuity, and spoke of it with a specious wit; but had not taken into his account the whole circumstances of the case in which he engaged. Rome, he supposed, was a city to be sold. He forgot that, though many Romans could be bought, no treasure was sufficient to buy the republic; that to buy a few, made it necessary for him to buy many more; that as he raised expectations, the number of expectants increased without limit;

BOOK II. that the more he gave, the more he was still expected to give; that in a state which was broke into parties, if he gained one by his gifts, that alone was sufficient to rouse the other against him. And accordingly, after lavishing his money to influence the councils of Rome, he was obliged to have recourse to arms at last, and to contend with the forces of the republic, after he had exhausted his treasure in attempting to corrupt her virtue.

Although Jugurtha had many partisans at Rome, such was the injustice of his cause, or the suspicion of corruption in those who espoused it, that they durst not openly avow their wishes. They endeavoured to suspend the resolutions which were in agitation against him, and had the matter referred to ten commissioners who should go into Africa, and in presence of the parties settle the differences which subsisted between them. There indeed he practised his art on the Roman commissioners with better success than he had experienced with the Senate and People. He prevailed upon them to divide the kingdom, and to favor him in the lot which should be assigned to himself: knowing that force must ultimately decide every controversy which should arise on the subject, he made choice, not of the richest, but of the most warlike division; and indeed had already determined that, as soon as the Romans left Africa, he should make an end of the contest by the death of Adherbal; trusting that, by continuing to use the specific which it was said he had already applied, he might prevail on the

Romans to overlook what they would not, on a previous request, have permitted. C H A P.
IV.

He accordingly, soon after the departure of the Roman commissioners, marched into the territories of Adherbal, shut him up in the town of Cirta; and, while the Romans sent him repeated messages to desist, still continued the blockade, until the mercenaries of Adherbal, tired of the hardships they were made to endure, advised, and, by their appearing ready to desert, forced him to commit himself to the mercy of Jugurtha, by whom he was immediately put to death.

By these events, in about seven years from the death of Micipsa, Jugurtha had attained to the object of his highest desires; but the arts which procured him a crown, likewise rendered his state insecure. He was disappointed in his expectation to pacify the Romans. The money he dealt went into the coffers only of a few, but his crimes roused the indignation of the whole People. Practised statesmen or politicians are seldom roused by mere feelings of indignation on the subject of private wrongs. They have, or pretend to have, reasons of state to suppress the consideration of individuals. The greater part of the Roman Senate accordingly, whether acting on maxims of policy, or won by the presents of Jugurtha, received the complaints which were lodged against him with indifference; but the assembly of the People, moved by the cries of perfidy and murder which were raised by the Tribunes, received the representations of his conduct with indignation and rage. These passions

B O O K were inflamed by opposition to the Nobles, who
II. were supposed to favor the murderer. Neither the most deliberate Statesman nor the most determined partisan of Jugurtha durst appear in his cause, nor propose to decline a war with that prince, although it was likely to be attended with considerable difficulties; and was to be undertaken at a time when a cloud hung over Italy on the side of Gaul, a quarter from which the Romans always expected, and often experienced, the most terrible storms.

U. C. 640. About the time that Adherbal laid his complaints against Jugurtha before the Senate of Rome, a new enemy had appeared. The north of Europe, or of Asia, had cast off a swarm, which, migrating to the south and to the west, was first descried by the Romans on the frontier of Illyricum, and presently drew their attention to that side. The horde was said to consist of three hundred thousand fighting men, conducting their families of women and children, and covering the plains with their cattle. The Consul Papirius Carbo was ordered to take post in Illyricum, to observe the motions of this tremendous host. He was alarmed with their seeming to point towards the district of Aquileia; and putting himself, with too little precaution, in their way, could not withstand their numbers, and was overwhelmed as by a tempest.

This migrating nation the Romans have called by the name of Cimbri, without determining from whence they came. It is said that their cavalry amounted to no more than fifteen thousand; that

it was their practice to despise horses, as well as the other spoils of their enemies, which they generally destroyed : and from this circumstance it may be argued, that they were not of Scythian extraction, nor sprung from those mighty plains in the northern parts of Asia, where military force has from time immemorial consisted of cavalry, where horses were valued above every other species of acquisition or property ; and that they must have been bred amongst mountains and woods, where this animal is not equally useful. On their helmets, which were crested with plumes of feathers, they carried the gaping jaws of wild beasts. On their bodies they wore breast-plates of iron, had shields painted of a conspicuous color ; and carried two missile javelins or darts, and a heavy sword. They collected their fighting men, for the most part, into a solid square, equally extending every way : in one of their battles it was reported that the sides of this square extended thirty stadia, or between three and four miles. The men of the foremost ranks were fastened together with chains locked to their girdles, which made them impenetrable to every attack, and gave them the force of a torrent, in sweeping obstructions before them. Such were the accounts with which the Romans were alarmed on the approach of this tremendous enemy.

Although, by the defeat of Carbo, Italy lay open to their devastations, yet they turned away to the north and the westward, and keeping the Alps on their left, made their appearance again on the frontier of the Roman province in Narbonne

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Gaul, and from thence passed into Spain, where they continued to alarm Roman settlements and kept Rome itself in suspense, by the uncertainty of the tract they might afterwards choose to pursue.

U. C. 642.

Pub. Corne-
lius Scipio

Nasica.

L. Calpur-

nius Piso

Bestia.

Such was the state of affairs, when the popular cry and generous indignation of the Roman People forced the State into a war with Jugurtha. The Consul Piso was appointed to command in Numidia. The necessary levies and supplies for this service were ordered, and Jugurtha could no longer doubt that the force of the Roman republic was to be employed against him; yet, in hopes to avert the storm, he sent his son, with two proper assistants, in the quality of ambassadors to Rome, chiefly trusting to the arts of insinuation he had hitherto practised, and to the distribution of presents and of money. Their arrival being reported to the Senate, a resolution of this body passed, that, unless they brought an offer from Jugurtha to surrender his person and his kingdom at discretion, they should be required in ten days to depart from Italy.

This answer being delivered to the son of Jugurtha, he presently withdrew, and was followed by a Roman army, which was prepared to embark for Africa. The war was conducted at first with great vivacity and success: but Jugurtha, by offering great public concessions or private gratifications, prevailed on the Consul to negotiate. It was agreed, that, upon receiving a proper hostage on the part of the Romans, the king himself should

repair to their camp, in order to conclude the treaty. In the articles that were made public, the king agreed to surrender himself at discretion, and to pay a large contribution in horses, corn, elephants, and money; but in secret articles, which were drawn up at the same time, the Consul engaged that the person of the king should be safe, and that the kingdom of Numidia should be secured to him.

During these transactions the time of the expiration of Piso's command drew near, and he himself was called into Italy to preside at the approaching elections. His report of the treaty with Jugurtha was received with suspicion, and the cry of corruption resumed by the popular party. "Where is this captive?" said the Tribune Memmius; "if he have surrendered himself, he will obey your commands; send for him; question him in respect to what is past. If he refuses to come, we shall know what to think of a treaty which brings impunity to Jugurtha, princely fortunes to a few private persons, ruin and infamy to the Roman republic." Upon this motion the Prætor Cassius Longinus, a person of approved merit and unshaken integrity, was hastened into Africa, with positive instructions to bring the king of Numidia to Rome. By the safe-conduct which Cassius brought on the part of the republic, and by his own assurances of protection, Jugurtha was prevailed on to commit himself to the faith of the Romans. He laid aside his kingly state and attendants, set out for Italy, and determined to appear

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as a suppliant at Rome. Upon his arrival, being called into the public assembly, Memmius proposed to interrogate him on the subject of his supposed secret transaction with certain members of the Senate; but here Bebius, another of the Tribunes, interposed his negative; and, notwithstanding that the People exclaimed, and even menaced, this Tribune persisted. And before this bar to the farther examination of Jugurtha could be removed, an incident took place, which occasioned his sudden departure from Italy.

Maffiva, the son of Gulussa, being the grandson and natural representative of Maffiniffa, and the only person besides Jugurtha who remained of the royal line of Numidia, had been persuaded by Albinus, the Consul elected for the ensuing year, to state his pretensions before the Roman Senate, and to lay claim to the crown. Jugurtha, though at Rome, and in the power of those who were likely to resent his crimes, gave a specimen of the bold and sanguinary counsels to which he was inclined, employed against this competitor the ordinary arts of his court, and had him assassinated. The crime was traced to its author, but the safe-conduct he had received could not be violated; and he was only commanded, without delay, to depart from Italy. On this occasion he left Rome with that memorable saying; "Here is a city to be sold, if any buyer could be found."

U. C. 643.

M. Minucius
Rufus et
Posthumius
Albinus.

The Consul Albinus soon followed Jugurtha, to take the command of the Roman army in Africa; and being eager to perform some notable action before

before the expiration of his year, which was fast approaching, he urged the king of Numidia, with all the forces he could assemble in the province; but found that he had to do with an enemy who had the art to elude his impetuosity, and from whose apparent conduct no judgment could be formed of his real designs. This artful warrior often advanced with a seeming intention to hazard a battle, when he was most resolved to decline it; or he precipitately fled, when he meant to return upon his enemy, and take advantage of any disorder he might incur in a too eager pursuit. His offers of submission, or his threats, were equally falacious; and he used, perhaps in common with other African princes, means to mislead his enemy, which Europeans, ancient as well as modern, have in general condemned. He made solemn capitulations and treaties with a view to break them, and considered breach of faith, like a feint or an ambush, as a stratagem licensed in war. The Europeans have always termed it perfidy to break the faith of a treaty, the Africans held it stupidity to be caught in the snare.

By the artifices of Jugurtha accordingly, or by the remissness of his antagonist, the war was protracted for another year, and the Consul, as the time of the election drew near, was recalled, as usual, to preside in the choice of his successor. At his arrival the city was in great agitation. The cry of corruption, which had been raised against many of the Nobles, on account of their supposed correspondence with Jugurtha, gave an advantage to the

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popular party, and they determined to improve it, by raising prosecutions to the ruin of persons, either odious to the People, or obnoxious to the Equestrian order, who then had the power of judicature in their hands⁷. Three inquisitors were accordingly named by special commission to take cognizance of all complaints of corruption that should be brought before them; and this commission was instantly employed to harass the Nobility, and to revenge the blood which had been shed in the late popular tumults. Lucius Calpurnius Piso Bestia, C. Cato, Spurius Albinus, and L. Opimius, all of consular dignity, fell a sacrifice on this occasion to the popular resentment. The Tribune Manilius, upon whose motion this tribunal had been erected, with his associates, apprehending that, upon the expiration of their trust, the heat of the prosecutions might abate, moved the People that they might be continued in their office; and, upon finding themselves opposed by the influence of the Senate and all the ordinary powers of the State, they suspended, by virtue of their tribunitian power, the election of Consuls, and for a whole year kept the republic in a state of absolute anarchy.

In this interval Aulus Albinus, left by his brother, the late Consul, in the command of the army in Africa, determined to improve the occasion by some honorable action. He left his quarters in the winter, and marched far into the country, hoping that by force or surprise he might possess

⁷ Cicero de Claris Oratoribus. Sallust. in Bell. Jugurth.

himself of the Numidian treasures or magazines. Jugurtha encouraged him in this design, affected fear, retired with precipitation wherever the Romans presented themselves; and, to increase the presumption of their general, sent frequent messages to implore his pity. He at the same time endeavoured to open a correspondence with the Thracians and other foreigners, then serving in the Roman camp. Some of these he corrupted; and, when he had drawn the Roman army into difficult situations, and prepared his plan for execution, he suddenly advanced in the night to the Roman station; and the avenues being intrusted, as he expected, to the Thracians and Ligurians whom he had corrupted, and by whom he was suffered to pass, he surprised the Romans in their camp, and drove them from thence in great confusion to a neighbouring height, where they enjoyed, during night, some respite from the enemy; but without any resource for subsistence, or hopes of recovering their baggage.

In the morning Jugurtha desired to confer with the Prætor; and representing how much the Romans, stripped of their provision and equipage, were then in his power, made a merit of offering them quarter, on condition that they would conclude a treaty of peace, and in ten days evacuate his kingdom.

These terms were accordingly accepted: but the capitulation, when known at Rome, gave occasion to much indignation and clamor. It was voted by the Senate not to be binding, and the Consul Albinus, in order to repair the loss of the

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Public, and to restore the credit of his own family, made hasty levies, with which he proposed to renew the war in Numidia. But not having the consent of the Tribunes to this measure, he was obliged to leave his forces behind him in Italy, and joined the army without being able to bring any reinforcement. He found it in no condition to face the enemy, and was contented to remain in the province till a successor should be named.

U. C. 644
Q. Cæcilius
Metellus
Numidicus,
M. Junius
Silanus.

Resentment of the disgraces incurred in Africa, and fear of invasion from the Cimbri, who, having traversed Spain and Gaul, were still on their march, appear to have calmed for a little time the animosity of domestic factions at Rome. The consular elections were suffered to proceed, and the choice of the People fell on Quintus Cæcilius Metellus and M. Junius Silanus; the first was appointed to the command of the army in Numidia, the second to observe the motions of the Cimbri on the frontiers of Gaul, and to turn them aside, if possible, from the territory of Rome. About this time those wandering nations had sent a formal message to the Romans, desiring to have it understood on what lands they might settle^s, or rather, over what lands they might pass in migration with their herds. This request being refused by the Senate, they opened a passage by force, overcame in battle the Consul Silanus, and, probably without intending to retain any conquest, continued to move wherever the aspect of the country tempted their choice.

^s Florus, lib. iii. Liv. lib. lxx.

Metellus proceeded to Africa with a considerable reinforcement; and, having spent some time in restoring the discipline of the army, which had been greatly neglected, and in training his new levies to the duties and hardships of the service, he directed his march to the enemy's country, and in his way had frequent messages from Jugurtha, with professions of submission and of a pacific disposition.

When the Roman army entered on the territory of Numidia, they accordingly found the country prepared to receive them in a friendly manner; the people in tranquillity, the gates of every city left open, and the markets ready to supply them with necessaries.

These appearances, with the known character of Jugurtha, creating distrust, only excited the vigilance of Metellus. They even provoked him to retort on the Numidian his own insidious arts. He tampered with Bomilcar and the other messengers of Jugurtha to betray their master, and promised them great rewards if they would deliver him into the hands of the Romans either living or dead.

Jugurtha, not considering that his known character for falsehood must have destroyed the credit of all his professions, even if he should at any time think proper to make them sincere, and trusting to the effect of his submissive messages in rendering the enemy secure, made a disposition to profit by any errors they should commit, and hoped to circumvent and destroy them on their march. For

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this purpose he waited for them on the descents of a high mountain, over which they were to pass in their way to the Muthul, a river which helped to form the situation of which he was to avail himself. He accordingly lay concealed by its banks until the enemy actually fell into the snare he had laid for them. With the advantage of the ground and of numbers, he maintained, during the greater part of the day, a contest with troops who possessed, against his irregulars, a great superiority of order, discipline, and courage; but not having found the Romans, as he expected, in any degree off their guard, he was, in the event of that day's action, obliged to fly with a few horse to a remote part of his kingdom.

This victory obtained over Jugurtha, appeared to be an end of the war. His army was dispersed, and he was left with a few horse-men, who attended his person, to find a place of retreat, and to chuse a station at which to assemble new forces, if he meant to continue the war.

The Numidians were inured to action. The frequent wars of that continent, the wild and unsettled state of their own country, made the use of horses and of arms familiar: but so void was the nation of military policy, and its people so ignorant of order, that it was scarcely possible for the king to fight two battles with the same army. If victorious, they withdrew with their plunder; if defeated, they supposed all military obligations at an end: and in either case, after an action, every one fled where he expected to be soonest in safety.

Metellus, after the late engagement, finding no enemy in the field, was for some time uncertain to what part of the kingdom Jugurtha had directed his flight. But having intelligence that he was in a new situation assembling an army, and likely to form one still more numerous than any he had yet brought into the field, tired of pursuing an enemy on whom defeats had so little effect, he turned away to the richer and more cultivated parts of the kingdom. Here the plunder of the country might better repay his labor, and the enemy, if he ventured to defend his territory, might more sensibly feel his defeats. Jugurtha perceiving his intention, drew his forces towards the same quarter, and soon appeared in his rear.

While Metellus was endeavouring to force the city of Zama, Jugurtha pierced into his camp, and, though repulsed from thence, took a post, by which he made the situation of the Romans, between the town and his own army, so uneasy, as to oblige them to raise the siege.

This the Numidian prince thought a proper opportunity to gain some credit to his pacific professions. He made an offer accordingly to surrender at discretion, and actually delivered up great part of his arms and military stores; but this purpose, if ever sincere, he retracted, and again had recourse to arms.

The victory which had been obtained in Africa, flattered the vanity of the Roman People, and procured to Metellus in the quality of Proconsul, a continuation of his former command. The

U. C. 645.
Servius Sul-
picius Gal-
ba, Q. Hor-
tensius Ne-

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pos, Marcus
Aurelius
Scaurus.

troops he had posted in Vaca being cut off by the inhabitants, he made hasty marches in the night surprised the place, and, without having allowed the authors of that outrage more than two days to enjoy the fruits of their perfidy, amply revenged the wrong they had done to the Roman garrison.

But the success of Metellus did not hasten the ruin of Jugurtha so fast as his own misconduct, in the jealousy and sanguinary measures which he took to suppress plots and conspiracies, either real or supposed to be formed against his life, by persons the most in his confidence.

Bomilcar, still carrying in his mind the offers which had been made by Metellus, and willing to have some merit with the Romans, into whose hands he and all the subjects of Jugurtha were likely soon to fall, formed a design against his master, and drew Nabdalsa, a principal officer in the Numidian armies, to take part in the plot. They were discovered in time to prevent the execution of their design, but they made Jugurtha from thenceforward consider the camp of his own army as a place of danger to himself, rendered him distrustful, timorous, and unquiet; frequently changing his company and his quarters, his guards and his bed. Under these apprehensions, by which his mind was considerably disordered and weakened, he endeavoured, by continual and rapid motions, to make it uncertain where he should be found; and he experienced at last, that private assassination and breach of faith, although they appear to

abridge the toils of ambition, are not expedient even in war; that they render human life itself, for the advantages of which war was undertaken, no longer eligible or worthy of being preserved. Weary of his anxious state, he ventured once more to face Metellus in the field, and being again defeated, fled to Thala, where he had left his children and the most valuable part of his treasure. This city too, finding Metellus had followed him, he was obliged to abandon, and, with his children and his remaining effects, fled from Numidia, first to the country of the Getuli, barbarous nations, that lived among the mountains of Atlas south of Numidia, and whom he endeavoured to arm in his cause. From thence he fled to Bocchus, king of Mauritania, whose daughter he had married; and having persuaded this prince to consider his quarrel with the Romans as the common cause of all monarchies, who were likely in succession to become the prey of this arrogant and insatiable power, he prevailed on the Mauritanian to assemble his army, and to attempt the relief of Numidia.

Jugurtha, in conjunction with his new ally, directed his march to Cirta, and Metellus perceiving his intention, took post to cover that place. But while he was endeavouring, by threats or persuasions, to detach the king of Mauritania from Jugurtha, he received information from Rome that he was superseded in the command of the army, and from thenceforward protracted the war, under pretence of messages and negotiations, and possibly inclined to leave it with all its difficulties entire to his successor.

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Marius, having served under Metellus, had with great difficulty, and not without some expressions of scorn on the part of his general, obtained leave to depart for Rome, where he meant to stand for the Consulship. He accordingly appeared in the capacity of candidate for this honor, and by vaunting, instead of concealing, the obscurity of his ancestors; by inveighing against the whole order of Nobility, their dress, their city-manners, their Greek learning, their family-images, the stress they laid on the virtue of their forefathers to compensate the want of it in themselves; but more especially by arraigning the dilatory conduct of Metellus, and by promising a speedy issue to the war, if it should be intrusted to himself; a promise, to which the force and ability he had shown in all the stations he had hitherto filled, procured him some credit; he so far won upon the People, that he was chosen consul, in opposition to the interest of the Nobles, and to the influence of all the leading men of the Senate. His promotion was in a particular manner galling to Metellus, whose reputation he had attacked, and to whose station in Africa, by an express order of the People, in contempt of the arrangement which had been made by the Senate, he was now to succeed.

U. C. 646.

L. Cassius
Longinus,
C. Marius.

Upon the nomination of Marius, the party who had opposed his preferment did not attempt to withhold the reinforcements which he asked for the service in which he was to command. They even hoped to increase his difficulties by suffering him to increase the establishment of his province. The wealthier class of the People alone were yet

admitted into the legions; and being averse to such distant services, were likely to conceive a dislike to the persons by whom they were forced to enlist. Marius in this capacity might lose some part of the popular favor which he now enjoyed, and become less formidable to his rivals in the State. But this crafty and daring politician, by slighting the laws which excluded the necessitous citizens from serving in the legions, found in this class of the People a numerous and willing supply. They crowded to his standard, and filled up his army without delay, and even without offence to those of a better condition, who were pleased with relief from this part of their public burdens.

This was a remarkable and dangerous innovation in the Roman State, and may be mentioned among the steps which hastened the ruin of the commonwealth. From this time forward the sword began to pass from the hands of those who were interested in the preservation of the republic, into the hands of others who were willing to make it a prey. The circumstances of the times were such, indeed, as to give warning of the change. The service of a legionary soldier was become too severe for the less indigent order of citizens, and now opened to the necessitous the principal road to profit, as well as honor. Marius, to facilitate his levies, was willing to gratify both; and thus gave beginning to the formation of armies who were ready to fight for or against the laws of their country, and who, in the sequel, substituted battles for the bloodless contests which hitherto had arisen from the divisions of party.

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The new consul, unrivalled in the favor of the People, obtained whatever he required; and, being completely provided for the service to which he was destined, embarked for Africa with a great reinforcement, and in a few days arrived at Utica. Upon his arrival, the operations of the war were resumed, and carried into the wealthiest provinces of Numidia, where he encouraged his army with the hopes of spoil. The new levies, though composed of persons hitherto excluded from the military service, were formed by the example of the legions already in the field, and who were now well apprized of their own superiority to the African armies. Bocchus and Jugurtha, upon the approach of this enemy, thought proper to separate, and took different routes into places of safety in the more difficult and inaccessible parts of the country.

This separation was made at the suggestion of Jugurtha, who alleged that, upon their appearing to despair, and to discontinue all offensive operations, the Roman general would become more secure, and more open to surprise. But Marius, without abating his vigilance, pressed where the enemy gave way, over-ran the country, and took possession of the towns they had left. To rival the glory which Metellus had gained in the reduction of Thala, he ventured on a like enterprise, in the face of similar difficulties, by attacking Thapsa, a place surrounded with deserts, and in the midst of a land destitute of water, and of every resource for an army. Having succeeded in this design, he

ventured, in his return, to attack another fortress, in which, it being supposed impregnable, the royal treasures were lodged. This strong hold was situated on a rock, which was every where, except at one path that was fortified with ramparts and towers, faced with steep and inaccessible cliffs. The garrison permitted the first approaches of the Romans with perfect security, and even derision. After some fruitless attacks, Marius with some imputation of folly in having made the attempt, was about to desist from the enterprise, when a Ligurian, who had been used to pick snails on the cliffs over which this fortress was situated, found himself in search of his prey, and by the growing facility of the ascent, led to a height from which he began to have hopes of reaching the summit. He accordingly surmounted all the difficulties in his way; and the garrison being then intent on the opposite side of the fortress to which the attack was directed, he returned unobserved. This intelligence he carried to Marius, who, without delay ordered a detachment of chosen men, with an unusual number of trumpets and instruments of alarm, to follow the direction of this guide. He himself, to divert the attention of the besieged, and to be ready, on receiving the proposed signal from within, to make a vigorous and decisive assault, advanced to the walls. The Ligurian, with much difficulty, endeavoured to effect his intentions. The soldiers who followed him were obliged to untie their sandals and their helmets, to sling their shields and their swords, and at difficult parts of the rock, could

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not be persuaded to advance until their guide had repeatedly passed and repassed in their sight, or had found stumps and points of the stone at which they could fasten cords to aid their ascent. The summit was to be gained at last by the branches of a tree which, being rooted in a cleft of the rock, grew up to the edge of the precipice. By the branches of this tree the whole party passed, and, climbing near to its top, landed at last on the summit. They instantly sounded their trumpets and gave a sudden alarm. The besieged, who had been drawn to the walls to resist the enemy who attacked them in front, were astonished with this sound in their rear, and soon after, greatly terrified with the confused flight from behind them of women, children, and men unarmed, and being at the same time vigorously attacked at their gates, were no longer able to resist, suffered the Romans to force their way at this entrance, and in the end to become masters of the fort.

While Marius was engaged in the siege of this place he was joined by the Quæstor Sylla, who had been left in Italy to bring up the cavalry, which were not ready to embark at the departure of the Consul. This young man was of a patrician and noble family, but which had not, for some generations, borne any of the higher offices of State. He himself partook in the learning which then spread into Italy, from a communication with the Greeks, and had passed the early part of his life in town-dissipation or in literary studies, of which the last were considered at this time at Rome as a

species of corruption almost equal to the first. He was yet a novice in war, but having an enterprising genius, soon became an object of respect to the soldiers, and of jealousy to his general, with whom he now laid the foundation of a quarrel more fatal to the commonwealth than that which had subsisted between the present and preceding commander in this service.

The king of Numidia, stung by the sense of what he had already lost, and expecting no advantage from any further delays, determined, in conjunction with Bocchus, to make a vigorous effort, and to oblige Marius, who was then moving to his winter quarters, yet to hazard a battle for the preservation of what he had acquired in the preceding campaign. The king of Mauritania had been inclined to remain neutral, or to enter on a separate treaty with the Romans; but being promised a third part of the kingdom of Numidia, in case the Romans were expelled from thence, and the war should be brought to a happy conclusion, he once more brought forward his army, and joined Jugurtha.

The prosperous state of the Romans, undisturbed for some time by the opposition of any enemy in the field, inspired them with some degree of negligence or security, by which they were exposed to surprise. About an hour before the setting of the sun, their march was interrupted by the attack of numerous parties, who, without any settled order, occupied the fields through which they were to pass, and seemed to intend, by assailing them

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on every side, to begin the night with a scene of confusion, of which they might afterwards more effectually avail themselves in the dark. In an action begun under these disadvantages, it was supposed, that the Roman army might be entirely defeated, and in a country with which they were not acquainted, and in circumstances for which they were not at all prepared, being unable to effect a retreat, surrender at discretion.

Jugurtha, with his usual intrepidity and conduct, profited by every circumstance which presented itself in his favor. He brought the troops, of which his army was composed, whether Getulians or Numidians, horse or foot, to harass the enemy in their different ways of fighting, and where they could easiest make their attacks. Wherever a party was repulsed, he took care to replace it; and sometimes affected to remit his ardor, or to fly with every appearance of panic, in order to tempt the Romans to break from their ranks. Marius, notwithstanding, with great dexterity and presence of mind, maintained the form of his march; and, before night, got possession of some heights on which he could secure his army. He himself, with the infantry, chose that which had the steepest ascent, and ordered Sylla, with the cavalry, to take his post on a smaller eminence below. That his position might not be known to the enemy, he prohibited the lighting of fires, and the usual sounding of trumpets at the different watches of the night. The Numidians had halted on the plain where night overtook them, and were observed, at break
of

of day, reposing in great security, and without any seeming apprehension of danger from an enemy, who was supposed to be flying, and, who, on the preceding day, had, with some difficulty, escaped from their hands. Marius resolved to attack them in this situation, and gave orders, which were communicated through the army, that, at a general sound of the trumpets, every man should stand to his arms, and with a great shout, and beating on his shield, make an impetuous attack on the enemy. The design, accordingly, succeeded. The Numidians, who had often affected to fly, were driven into an actual rout. Great numbers fell in the flight, and many ensigns and trophies were taken.

After this victory, Marius, with his usual precautions, and without remitting his vigilance, on a supposition that the enemy was dispersed, directed his march to the towns on the coast, where he intended to fix his quarters for the winter. Jugurtha, well apprized of his route, proposed again to surprise him before he should reach the end of his journey; and, for this purpose, avoided giving him any premature or unnecessary cause of alarm. He prepared to attack the Roman army in the neighbourhood of Cirta, which was to be the end of their labors, and near to which he supposed that they would think themselves secure from any further attempts of their enemy. In the execution of this design, he, with the greatest ability, conducted his troops to the place of action, and there too made every effort of conduct and resolution.

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But the match being unequal, he was obliged to give up the contest; and, with his sword and his armour all bathed in blood, and almost alone, is said to have left a field, in which, for the first time, he had taken no precautions for re-assembling his army, and on which his Numidians were accordingly routed, to rally no more.

U. C. 647.
C. Attilius
Serranus,
Quintus
Servilius
Cæpio.

Upon these repeated defeats, Bocchus despaired of the fortunes of Jugurtha, and sent a deputation to Marius, requesting a conference with himself, or with some of his officers. He obtained an interview with Sylla and Manlius; but, upon their arrival, had taken no fixed resolution, and was still kept in suspense, by the persuasion of those of his court who favored the interest of Jugurtha. Marius, being continued in his command, resumed the operations of the war, and was about to attack the only place which yet remained in the hands of the enemy. When the king of Mauritania, alarmed by this circumstance, took his resolution to sue for peace, he sent a deputation of five chosen persons, first to the quarters of Marius, and, with this general's permission, ordered them to proceed from thence to Rome. These deputies, being admitted into the Senate, made offers of friendship in the name of their master; and were informed, in return, that he must give proofs of his friendly disposition to the Romans, before they could believe his professions, or listen to any terms of peace. When this answer was reported to Bocchus, he was not at a loss to understand that the Romans wished him to deliver up the king of Numidia into

their hands ; and seems to have conceived the design of purchasing peace, even on these terms. Sylla being already personally known to him, he made choice of this officer, as the person with whom he would treat, and desired he might be sent to his quarters. The Roman Quæstor accordingly set out with a small party. On the way he was met by Volux, the son of the king of Mauritania, with a thousand horse : him he considered as of doubtful intention, whether come as a friend or an enemy ; but coming with professions of friendship from the king his father, and with orders to escort the Roman Quæstor, they proceeded together. On the second day after this junction, Volux came in haste to the quarters of Sylla, and informed him, that the advanced party had discovered Jugurtha posted on their route, with a considerable force, and earnestly pressed the Romans to endeavour to make their escape in the night.

Sylla could no longer command his suspicions, and, sensible that he had imprudently, without hostage or other security, ventured too far on the faith of an African prince, proudly refused to alter his march ; desired that the Mauritanian prince, if he thought proper, should depart, but informing him, at the same time, that the Roman people would know how to revenge the injury done to their officers, and would not fail to punish the perfidy of the king his father. Volux made protestations of his innocence ; and as the Roman Quæstor could not be prevailed on to save himself by flight, this prince insisted to remain, and to share in his

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danger. They accordingly kept on their way, passed through the troops of Jugurtha, who, though disposed to offer violence to the Romans, had yet some measures to observe with the king of Mauritania, whose son was in the company; and while contrary to his usual character, he remained undecided, the prey escaped him, and got out of his reach.

Jugurtha sent persons of confidence immediately to counteract the negociations of Sylla at the court of Bocchus; and each of these parties solicited the king of Mauritania to betray the other. The Numidians endeavoured to persuade him, that, with such an hostage as Sylla in his hands, he might still expect some honorable terms from the Romans; and Sylla, on the other part, represented, that, as the king of Mauritania had offended the Romans, by abetting the crimes of Jugurtha, he must now expiate his guilt by delivering him over to justice. It was the inclination of this prince to favor Jugurtha; but it was his interest, as well as his intention, to gain the Romans. While he was still in suspense, he gave equal encouragement to both parties; and, without being finally determined what he should do, appointed the Roman Quæstor and the king of Numidia to meet him without any escort, or number of men in arms, reserving to the last moment the power of determining against the one or the other. He had placed a body of his own troops in ambush, and, soon after the parties were met, gave a signal, which his men understood to be for seizing Jugurtha. The

Numidians, who attended their king, were slain; he himself was put in chains, and delivered up to the Roman Quæstor. Sylla, with the exultation of a hunter, received this lion in his toils; and, though he lived to perform much greater actions, still appears to have valued himself most on the success of this commission. He boasted so much of his prize, that he became, from that moment, an object of jealousy to Marius, and was considered as a person advancing too fast in the same career of renown*. It was understood among the Romans, that the commander in chief, upon any service, in any division or province of the empire, enjoyed the triumph for victories gained, even in his absence, by his lieutenants, or by those who served under his command; and Marius probably thought that Sylla took more to himself than was due upon this occasion. The desire of being the person who put the finishing hand to any service, however accomplished, was not peculiar to these officers. It was an effect of the Roman policy in making the rewards of honor depend so much on events, without regard to the means which were employed to produce them. From this circumstance, the citizens of this republic were as desirous of having the reputation of successful adventures affixed to their names, as courtiers in modern Europe are desirous to have titles of nobility, or badges of their sovereign's favor.

* Plutarch, in Mario & in Sylla.

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The war being thus at an end, Marius appointed a thanksgiving; and, while he was offering the customary sacrifices, the news arrived from Rome that the People had dispensed with the law in his favor and again had made choice of him for Consul of the following year. This choice was determined by the great alarm which the Romans had taken on the approach of the barbarous nations, who, like a meteor, had, for some years, traversed the regions of Europe, and, with uncertain direction, were said to destroy wherever they moved. The Romans had repeatedly stood in their way, and had provoked a resentment, which these barbarians were supposed, in haste, to wreck upon Italy. They were at first heard of under the name only of Cimbri; but were now known to consist of many nations, under the appellations of Ambrones, Teutones, Tectosagi, and others; and had gained accessions of force by the junction of the Tigurini, and other Gaulish nations, who, either by choice or compulsion, were made a part in this mighty host, whose movements the Romans considered as chiefly directed against themselves.

U. C. 648.

P. Rutilius
Rufus, Cn.
Mallius.

Besides the armies commanded by the Consuls Carbo and Silanus, who had fallen victims to this barbarous enemy, other considerable bodies, under Scaurus and Cassius, had perished by their hands; and other misfortunes, from the same quarter, were coming apace. At the time that Marius had finished the war with Jugurtha, Quintus Servilius Cœpio, having the former year commanded in Gaul, where he destroyed or pillaged the city of

Tolosa, and made a great booty, consisting, according to Justin, of one hundred thousand pounds weight of gold, and one million five hundred thousand pounds weight of silver, was now, in his turn, to meet with this enemy; the Consul Mallius or Manilius had orders to join him; and all the troops they could assemble were thought necessary to withstand the Barbarians. These generals united their forces on the Rhône, but without a proper disposition to act in concert; they were accordingly defeated in battle; eighty thousand Romans, amongst whom were the two sons of the Consul Manilius, were killed in the action; forty thousand attendants of the army were massacred in cold blood. Both camps were taken.

After this victory the lords of the Cimbri, being assembled in council, called before them Aurelius Scaurus, formerly a Roman Consul, lately second in command to one of the vanquished armies, and now a prisoner. They questioned him with respect to the forces in Italy, and the route to be taken across the Alps: To these questions he made answer, That it would be in vain for them to invade that country: That the Romans, on their own territory, were invincible. And, in return to these words, it is said, that a Barbarian struck the prisoner with his dagger to the heart. It is further said of this barbarous council, that they came to a resolution to spare no prisoners, to destroy the spoils of the slain, to cast all the treasures of gold and silver into the nearest river, to destroy all horses with their saddles and furniture, and to save

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no booty whatever; and it must be confessed, that in this their resolutions were guided by a policy well accommodated to the manner of life they chose to maintain. Wealthy possessions frequently disqualify even settled nations for the toils of war, but to migrating tribes, they would be certain impediments and the means of ruin¹⁰.

These accounts of the character of an enemy, and of the fate of Roman armies which ventured to encounter them, were received at Rome with amazement and terror. The citizens changed their dress, and assumed the military habit. Rutilius, the Consul, who had remained in the administration of affairs in Italy, had instructions from the Senate to array every person that was fit to bear arms. No one who had attained the military age was exempted. It is mentioned, that the son of the Consul himself was turned into the ranks of a legion. There was little time to train such levies; and the usual way was thought insufficient. The fencing-masters, employed to train gladiators for the public shows, were brought forth, and distributed to instruct the citizens in the use of their weapons¹¹. But the expedient, on which the People chiefly relied for the deliverance from the dangers which threatened them, was the nomination of Marius to command against this terrible enemy.

This officer, upon hearing of his re-election, set out for Italy, and, with his legions and their

¹⁰ Orosius, lib. v. c. 16. Eutrop. lib. v.

¹¹ Valer. Max. lib. ii. c. 3.

captives, entered Rome in triumph; a spectacle, of which Jugurtha, in chains, with his unfortunate children, were the principal figures. When the procession was over, the captive king was led to a dungeon, under orders for his immediate execution. As he was about to be stripped of his ornaments and robes, the executioner, in haste to pluck the pendants from his ears, tore away the flesh, and thrust him naked into a dungeon below ground. He descended into this place with a smile, saying, "What a cold bath is here!" He pined about six days, and expired. A king and an able commander would, in such a situation, have been an object of respect and of pity, if we did not recollect, that he was the murderer of Adherbal and Hiempsal, the innocent children of his benefactor. And if we did not receive some consolation from being told, that his own children, who were likewise innocent, were exempted from the lot of their father, and honorably entertained in Italy.

Marius, in this triumph, is said to have brought into the treasury three thousand and seven pounds, or thirty thousand and seventy ounces of gold, and fifty-seven thousand seven hundred and fifty ounces of silver; and in money, two hundred and eighty-seven thousand denarii¹². He entered the Senate, contrary to custom, in his triumphal robes, probably to insult the Nobles, who used to despise him as a person of obscure extraction, born in a

¹² About 10,000 l.

BOOK country-town, and of a mean family : but finding
II. that this was considered as an act of petulance, and generally condemned, he withdrew and changed his drefs.

The kingdom of Numidia was difmembered ; part was put into the poffeffion of Bocchus as a reward for his late fervices ; and part referved for the furviving heirs of Maffiniffa.

U. C. 649. As the law refpecting the Confulate now flood,
 Confuls ; C. no one could be elected in abfence, nor re-elected
 Marius 2do, into this office, till after an interval of ten years.
 C. Flavius Both claufes were difpenfed with in favor of Ma-
 Fimbria. rius, under pretence of continuing him at the head of the army ; but as he might ftill have remained at the head of the army, and have rendered the fame fervices to the State in the quality of Proconful, his re-election may be afcribed to his own ambition, and to his jealousy of other rifing men in the State. Being confidered as head of the popular party, his elevation was an object of zeal to the Tribunes, and was intended to mortify thofe who affected the diftinctions of ancient family. Contrary to the ufual form, and without cafting lots, he was preferred to his colleague in the appointment to command in Gaul. Having his choice of all the armies at that time in Italy, he took the new levies, lately affembled and difciplined by Rutilius, in preference to the veterans, who had ferved in Africa under Metellus and himfelf. It is probable that he was determined in this choice, more by his defire to gratify the veterans, who wifhed to be difcharged, than by the confideration

of any supposed superiority in the discipline to which the new levies had been trained²³. CHAP.
IV.

Upon the arrival of Marius in his province it appeared, that the alarm taken for the safety of Italy was somewhat premature. The Barbarians in their battles only meant to maintain the reputation of their valor, or to keep open the tract of their migrations. They had found the lands, from about the higher parts of the Danube and the Rhine, through Gaul, and across the Pyrenees into Spain, and to the ocean, convenient for their purpose, and sufficiently extensive. They had yet meditated no war with the Romans, or any other nation; but did not decline the encounter where they met with resistance. At present they continued their migrations to the westward, without any intention to cross the Alps, or to visit the nations who inhabited within those mountains.

We have nothing recorded in history concerning the movements of these wandering nations, during the two subsequent years, except what is related of their adventure with Fulvius, a Roman Prætor, probably in Spain, who, in return for hostilities committed in his province, having made a feint to draw the attention of their warriors, surprised and sacked their camp. Under the apprehension, however, of their return towards Gaul and Italy, Marius continued to be elected Consul, and was repeatedly named to the command of the army that was destined to oppose them. His party at Rome

²³ Frontinus de Stratagemat. lib. iv. c. 2.

B O O K had, at this time, besides the exigency which justified their choice, many other advantages against their antagonists, and maintained the envious quarrel of the lower people against the nobility with great animosity and zeal.

II.

CHAP. V.

Review of the circumstances which revived the popular party. — Farther Account of Laws and Regulations under their Administration. — State of the Empire. — Fourth Consulate of Marius. — Continued Migrations of the barbarous Nations. — Defeated by Marius at Aqua Sextia. — By Marius and Catulus in Italy.

THE Senate had, for some time after the suppression of the troubles which were raised by Fulvius and the younger Gracchus, retained its authority, and restrained the Tribunes of the People within ordinary bounds; but by the suspicions which arose against them, on the subject of their transactions with Jugurtha, and by the miscarriages of the war in Numidia, they again lost their advantage. It is difficult to ascertain the real grounds of these suspicions. Sallust seems to admit them in their utmost extent, and represents the whole order of nobility as mercenary traders, disposed to sell what the republic intrusted to their honor. That the presents of Jugurtha were sometimes accepted, and produced some effect, is not to be doubted; but that the aristocracy of Rome, during

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V.

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its short reign, was so much corrupted, is scarcely to be credited. Such a measure of corruption must have rendered the State a prey to every foreign power that was in condition to mislead its councils, and is not consistent with that superiority which the Romans then generally possessed in their negotiations, as well as in their wars. The charge itself favours too much of that envy with which the lower class of the People at all times interpret the conduct of their superiors, and which was greatly countenanced by the partisans of Cæsar, at the time when Sallust wrote, in order to vilify and reduce the Senate. We cannot, however, oppose mere conjecture to the positive testimony of Sallust, corroborated by some suspicious circumstances in the transactions of the times. Among these we may recollect the patronage which Jugurtha met with at Rome, contrary to the professions of the Romans, in behalf of justice, and the uncommon number of Senators degraded, at that time, by authority of the Censors, Q. Cæcilius Metellus and Cn. Domitius Ahenobarbus¹, which has been already mentioned in its place.

Whatever may have been the real occasion of the cry then subsisting against the Nobles, we have seen that the popular party, availing themselves of it, and giving it all manner of countenance, found means to recover great part of their lost power. The Tribunes, having obtained the establishment

¹ It is already mentioned, that thirty-two Senators were struck off the rolls by these magistrates.

of a special commission for the trial of all those who had received bribes from Jugurtha, made the people consider their own act in constituting a court of inquiry, as sufficient to evince the reality of the crime. The prosecutions which continued to be carried on for two years, upon this supposition, served more than the subject of any former dispute to alienate the minds of men from each other, and from the public. Questions were more of a private than of a public nature, and occupied the worst of the human passions, envy, malice, and revenge. One party learned to cherish falsehood, subordination, and perjury; the other lived in continual fear of having such engines employed against themselves.

The People, in their zeal to attack the Nobility under any pretence, made no distinction between errors and crimes; and, contrary to the noble spirit of their ancestors, treated misfortune, incapacity, or treachery, with equal rigor. One Tribune had extended the use of the secret ballot to the trial of lesser crimes²; another, upon this occasion, took away all distinctions; and introduced it in the trial of capital crimes also³; so that the judge, without being accountable, indulged his secret malice or partial favor⁴.

Laws were made to promote the interest, as well as to gratify the animosity of the lower people.

² Lex Cassia Tabellaria.

³ Lex Cælia Tabellaria.

⁴ Cicer. de Legibus, lib. iii.

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By the Agrarian law of Gracchus, certain limits were set to estates in land; but, in order to render the excess of lands, in the hands of any particular person, immediately useful to the People, it was permitted, by an amendment made during the low state of the aristocratical party, that persons in possession of more than the legal measure of land, might retain their estates, but subject to a rent to be collected for the benefit of the poorer citizens; and thus it was proposed, that without any trouble in taking possession of lands, or removing from the city, the favorites of the party should be accommodated, and reap the fruits of sedition and idleness unimpaired⁵.

U. C. 647.

Lex Servilia
de Judiciis.

It was proposed, by the Consul Servilius Cæpio, that the Senate, whose members were personally so much exposed to prosecutions, should have their share likewise in composing the Juries, a privilege of which, by the edict of Gracchus, they had been deprived⁶. In whatever degree this proposal was adopted, it was again expressly repealed upon the motion of Servilius Glaucia. And Cæpio soon after experienced, in his own person, the animosity of the popular faction, being tried for miscarriage in his battle with the Cimbri. He was condemned by the judges, and afterwards, in virtue of a regulation obtained by Cassius, one of the Tribunes, declared, in consequence of that sentence, disqualified to hold a place in the Senate⁷.

Besides

⁵ Appian. de Bell. Civ. lib. i.⁶ Valer. Max. lib. v. c. 9.⁷ Asconius Pædianus in Cornelianæ Ciceronis.

Besides the transactions already mentioned, the following particulars, overlooked in the hurry of recording military operations and events, may serve still farther to characterize the times. M. Junius Silanus was tried for misconduct against the enemy; M. Emilius Scaurus, first on the roll of the Senate, was brought to trial for contempt of religion; but both acquitted. The ardor for these prosecutions and popular regulations, continued until the second Consulate of Marius, when M. Marcius Philippus, one of the Tribunes, moved to restore the law of Tiberius Gracchus respecting the division of estates in land; and, in his speech in support of this motion, affirmed, that there were not two thousand families in Rome possessed of any property in land whatever*. This motion, however, was withdrawn.

Among the crimes which the populace were now so eager to punish, fortunately that of peculation or extortion in the provinces was one. To facilitate complaints on this subject, not only persons having an immediate interest in the case, but all to whom any money or effects injuriously taken might have otherwise come by inheritance, were entitled to prosecute for this offence; and any alien, who convicted a Roman citizen of this crime, so as to have him struck off the rolls of the People, was himself to be enrolled instead of the citizen displaced†.

* Cicer. de Officiis, lib. ii.

† Cicero in Balbiana.

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Lex Domitia
de Sacerdo-
tiis.

Domitius, one of the Tribunes, attacked the aristocratical constitution even of the priesthood, and endeavoured to transfer the right of election from the order itself to the People; but superstition, which continues to influence the bulk of mankind after reason has failed, here stood in his way. The custom was against him; and, in such matters, religion and custom are the same. The People, therefore, it was confessed, could not interfere without profanation; but a certain part of the People might judge of the candidates, and instruct the college of priests whom they were to chuse¹⁰. The same artifice, or verbal evasion, had been already admitted in the form of electing the Pontifex Maximus, now chosen by seventeen of the Tribes who were drawn by lot¹¹.

During this period, a just alarm was taken on the subject of private as well as public corruption. Liberty was conceived to imply a freedom from every restraint, and to justify licence and contempt of the laws. The aids which were given to the People to enable them to subsist in profusion and idleness; the wealth that was passing to Rome in the hands of traders, contractors, and farmers of the revenue, as well as provincial officers, by whom the profits of a first appointment were lavished in public shows, fights of gladiators, and baiting of wild beasts, to gain the People in their canvasses for farther preferments; these several circumstances

¹⁰ Asconius in Cornelianæ Ciceronis.

¹¹ Cicero de Lege Agraria.

tended, in the highest degree, to corrupt the People, and to render them unworthy of that sovereignty which they actually possessed in the prevalence of the popular faction. C H A P.
V.

The severities which were practised in certain cases, the sumptuary laws which were provided to restrain luxury, were but feeble aids to stop such a source of disorder. It is mentioned, as an instance of such severity, that some vestals were questioned at this time for a breach of that sacred obligation to chastity, under which they were held up as a pattern of manners to the Roman women; that three of them were condemned, and, together with Roman knights, the supposed partners in their crimes, suffered extreme punishment. A temple was on this occasion erected to the goddess Venus under a new title, that of the Reformer¹²; and prayers were to be offered up in this temple, that it might please the goddess to guard the chastity of Roman women¹³.

The term luxury is somewhat ambiguous; it is put for sensuality or excess in what relates to the preservation of animal life; and for the effect of vanity, in what relates to the decorations of rank and fortune. The luxury of the Romans, in the present age, was probably of the former kind, and sumptuary laws were provided, not to restrain vanity, but to govern the appetites for mere debauch. About the time that Jugurtha was at

¹² Venus Verticordia.

¹³ Orosius, lib. c. v. c. 15. Jul. Obsequens. Ovid. Fast. lib. v.

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II.

Rome, the sumptuary law of Fannius received an addition, by which Roman citizens were not only restricted in their ordinary expense, but the legal quantities and species of food were prescribed to them. The whole expense of the table was restricted to thirty asses¹⁴ a day, and the meat to be served up, to three or four pounds, dried or salted. There was no restriction in the use of herbs or vegetables of any sort¹⁵. According to A. Gellius, the law permitted, on certain days, an expense of a hundred asses; on wedding-days, two hundred. It is remarkable, that this law continued to have its effect on the tables of Roman citizens after Cicero was a man¹⁶. The Epicures of his time were obliged to make up, in the cookery of their vegetable diet, what was defective in that species of food.

About the time of the commencement of the Numidian war, the People, according to the Census, amounted to four hundred and three thousand four hundred and thirty-six citizens, fit to carry arms. At this time it was that the Censors, Quintus Cæcilius Metellus, and Cn. Domitius Ahenobarbus, expelled thirty-two members from the Senate.

While the Romans were intent on the war which subsisted in Africa, they were assailed by enemies in some of the other provinces. In Spain,

¹⁴ About two shillings.

¹⁵ Macrobius Satur. lib. ii. c. 17.

¹⁶ Epist. ad Familiar. lib. vii. ad Gallum.

hostilities, at intervals, were still renewed. In endeavouring to quell one of the revolts of the natives, the Roman Prætor was killed; in another encounter, the forces employed against them were cut off; and a fresh army was transported from Italy, to secure the Roman possessions.

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Hostilities were likewise continued on the frontier of Macedonia, by the Scordisci, Triballi, and other Thracian nations; and the Proconsul Rufus, by his victories in this quarter, obtained a triumph.

During this period, in the Consulship of Attilius Serranus, and Q. Servilius Cæpio, the year after the first Consulship of Marius, were born two illustrious citizens, M. Tullius Cicero, and Cneius Pompeius Strabo, afterwards distinguished by the appellation of Pompey the Great. And we are now to open the scene in which the persons, on whom the fate of the Roman empire was to depend, made their several entries into life, or into public business, and began to pass through an infancy or a youth of danger, to an old age of extreme trouble, which closed with the subversion of that constitution to which they were born.

Marius having, without any memorable event, passed the year of his second Consulship on the frontier of Narbonne Gaul, was, by the People, still under the same apprehension of the Cimbric invasion, re-elected into the same office, and destined for his former station. This year likewise the Barbarians turned aside from his province, and left the republic at leisure to contend with enemies of less consideration, who appeared in a

U. C. 650.
Caius Marius
3to, L. Aure-
lius Orestes.

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II.

different quarter. Athenio, a slave in Sicily, having murdered his master, and broken open the prisons or yards in which slaves were commonly confined at work, assembled a number together, and being clothed in a purple robe, with a crown and a sceptre, affected a species of royalty, invited all the slaves of the island to assume their freedom under his protection. He acquired strength sufficient to cope with Servilius Casca, the Roman Prætor, and actually forced him in his camp. He likewise defeated the succeeding Prætor, Licinius Lucullus¹⁷; and was, in the third year of the insurrection, with great difficulty, reduced by the Consul Aquilius. This revolt was at its height in this year of the third Consulship of Marius, and it was quelled in the second year after it, the rebels being surrounded in their strong holds, and obliged to surrender for want of provisions¹⁸. The whole is mentioned now, that it may not recur hereafter to interrupt matters of more moment.

About the same time the Romans had been obliged to equip a naval armament under Marcus Antonius, known by the appellation of the Orator, against the Cilician pirates, who had lately infested the seas. All that we know of this service is, in general, that it was performed with ability and success¹⁹.

¹⁷ Florus, lib. iii. c. 19.

¹⁸ Ibid. lib. iv. c. 19.

¹⁹ Ibid. lib. iii. c. 6. Cicero de Orator. lib. i.

From Macedonia, Calpurnius Piso reported, CHAP.
V. that the victory he had gained over the Thracians had enabled him to penetrate to the mountains of Rhodope and Caucasus.

Such was the state of the empire when Caius Marius returned from his province in Gaul, to preside at the election of Consuls. He was again, by the voice of the People, called upon to resume his former trust; but he affected, from modesty, to decline the honor. His partisans were prepared for his acting this part, and were accordingly, by their importunities, to force him into an office which he so modestly seemed to decline. Among these, Apuleius Saturninus, at this time himself candidate for the office of Tribune, charged Marius with treachery to his country in proposing to desert the republic in times of so much danger; and with his reproaches prevailed so far as to render him passive to the will of his fellow-citizens, who wished to re-place²⁰ him again in his former station.

In this fourth Consulate, the courage and military skill of Marius came to be actually exerted in his province. The barbarous nations, after their return from Spain, began to appear in separate bodies, each forming a numerous and formidable army. In one division the Cimbri and Tectosages had passed through the whole length of Gaul to the Rhine, and from thence proceeded by the Danube to Noricum or Austria, and were

U. C. 651.
Caius Marius
4to, L. Lutatius Catulus.

²⁰ Plutarch, in Mario.

BOOK II. pointing towards Italy by the valley of Trent. The Consul Lutatius Catulus was stationed near the descent of the Alps to observe the motions of this body.

In another division, the Ambrones and the Teutones hung on the frontier of the Roman province in Gaul, between the Garonne and the Rhône, and gave out, that they meant, by the most ordinary route of the mountains, to join their allies in Italy.

Upon the approach of this formidable enemy, Marius took post on the Rhône at the confluence of that river with the Isère, and fortified his camp in the most effectual manner. The Barbarians, reproaching him with cowardice for having taken these precautions, sent, agreeably to their own notions of war, a formal challenge to meet them in battle; and having had for answer from Marius, That the Romans did not consult their enemies to know when it was proper to fight, they were confirmed in the contempt which they already entertained of his army, ventured to leave them behind, and proceeded in separate divisions towards Italy. Marius followed; and, with rapid marches, overtook them as they passed over the country without any precaution; some of them near to the Roman colony of Sextius²¹, and far removed from each other. Having found them under such disadvantage, and in such confusion as exposed them to slaughter, with scarcely any power of

²¹ Now Aix, in Provence.

resistance, he put the greater part to the sword. Thus part of the hordes, who had for many years been so formidable to the Romans, were now entirely cut off. Ninety thousand prisoners, with Teutobochus, one of their kings, were taken, and two hundred thousand were said to be slain in the field²².

The news of this victory arriving at Rome, while it was known that another division of the same enemy, not less formidable, was still in the field, it was not to be doubted that the command and office of Consul would be continued to Marius. The populace, incited by some of the factious Tribunes, joined, with the other usual marks of their attachment to his person, that of disrespect and insolence to those who were supposed to be his opponents and rivals. Of these Metellus Numidicus, whom he had supplanted in the command of the army against Jugurtha, was the chief. This respectable citizen, being now in the office of Censor, one Equitius, an impostor of obscure or slavish extraction, offered himself to be enrolled as a citizen, under the popular designation and name of Caius Gracchus, the son of Tiberius. The Censor, doubting his title, called upon Sempronia, the sister of Gracchus, to testify what she knew of this pretended relation; and, upon her giving evidence against him, rejected his claim. The populace, ill-disposed to Metellus, on account of

²² Plutarch, in Mario. Orosius, lib. v. c. 16. Florus, lib. iii. c. 3. Velleius. Eutropius.

B O O K his supposed difference with Marius, took this
II. opportunity to insult him in the discharge of his office; attacked his house, and obliged him to take refuge in the Capitol. Even there the Tribune Saturninus would have laid violent hands on his person, if he had not been protected by a body of the Roman Knights, who had assembled in arms to defend him. This tumult was suppressed, but not without bloodshed.

U. C. 653.

Caius Marius
5to, M. Aquili-
lius.

While the popular faction were indulging in these marks of their dislike to Metellus, they proceeded to bestow the honors which they intended for Marius, and chose him for a fifth time Consul, in conjunction with M. Aquilius. His late splendid successes against one division of the wandering Barbarians justified this choice, and pointed him out as the fittest person to combat the other, which was still expected from the side of Noricum to attempt the invasion of Italy. Catulus, the late colleague of Marius, commanding the troops that were stationed on the Athesis, to cover the access to Italy from the valley of Trent, was destined to act in subordination to the Consul, who had given orders to hasten the march of his victorious army from the Rhône.

Catulus had taken post above Verona, thrown a bridge over the Athesis, and, in order to command the passage of that river, had fortified stations on both its banks. While he was in this posture, and before the junction of Marius, the enemy arrived in his neighbourhood. The amazing works which they performed fully served to confirm the report

of their numbers. They obstructed with mounds of timber and earth the channel of the river, so as to force it to change its course; and thus, instead of passing the river, they threw it behind them in their march. They continued to float such quantities of wood on the stream above the bridge which Catulus had built, that the passage of the water being stopped, the bridge with all the timber which was accumulated before it, was entirely carried off. The Roman army, on seeing such evidence of the numbers and strength of their enemy, were seized with a panic. Many deserted their colors, some fled even to Rome without halting. The Proconsul thought proper to order a retreat; and thus, by seeming to authorize what he could not prevent, he endeavoured to save in part the credit of his army.

The level country on the Po was in this manner laid open to the incursions of the Barbarians. The inhabitants of Italy were greatly alarmed: and the Roman People passed an act of attainder against all those who had abandoned their colors. Marius, who continued at Rome while the legions advanced, on their march from Gaul, suspended the triumph which had been ordered him by the Senate, went to receive his army at the foot of the Alps, and to hasten its junction with Catulus.

Upon the junction of the two armies, those who had lately fled recovered their courage, and the generals determined, without loss of time, to hazard a battle. It is said that the Barbarians of this division were still ignorant of the disaster which

BOOK had befallen their allies on the other side of the
II. Alps, and had sent a defiance or a challenge to fight; but that being informed of this calamity when they were about to engage, they made their attack with less than their usual ferocity and confidence. Catulus received them in front. Marius made a movement to assail them in flank; but as they were hid by the clouds of dust which every where rose from the plain, he missed his way, or could not engage till after the enemy had been repulsed by Catulus, and were already put to flight. The rout was extremely bloody; a hundred and fifty thousand were said to be slain; sixty thousand submitted to be taken prisoners. The remainder of this mighty host, even the women and children, perished by their own hands; and the race of barbarous nations who had migrated through Europe, perhaps for ages before they encountered with the Romans, now appear to have been entirely extirpated²³.

On receiving the news of this victory at Rome, the city resounded with joy, and the People, in every sacrifice they offered up, addressed themselves to Marius as a God. He had been constantly attended in this war by Sylla, who, though already an object of his jealousy, still chose to neglect the preferments of the city, and to serve in the camp. In the late victory Marius was no more than partner with Catulus. Upon the arrival of the

²³ Plutarch, in Mario & Sylla. Orosius, lib. v. c. 16. Florus, lib. iii. c. 3. Velleius. Eutrop. Appian. in Celtica.

armies at Rome, he did justice to Catulus in this particular, and admitted him to partake in his triumph. In this procession there were no carriages loaded with gold, silver, or any precious spoils of any sort; but, instead of them, the shattered armour and broken swords of an enemy; the surer marks of an honor justly won, and of a more important service performed. These were transported in loads, and piled up in the Capitol.

C H A P. VI.

Character and immoderate ambition of Marius. — Death of Nonnius. — Re-election of the Tribune Saturninus. — His Sedition and seizing the Capitol. — Death of Saturninus. — Reverse in the State of Parties. — Recall of Metellus. — Violent Death of the Tribune Furius. — Birth of Caius Julius Caesar. — Lex Cecilia Didia. — Blank in the Roman History. — Sylla offers himself Candidate for the Office of Prætor. — Edict of the Censors against the Latin Rhetoricians. — Bullion in the Roman Treasury. — Present of a Groupe in golden Figures from the King of Mauritania. — Acts of Livius Drusus. — Revolt of the Italian Allies. — Policy of the Romans in yielding to the necessity of their Affairs. — The Laws of Plautius.

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UPON the extinction of the wandering nations which had now for some time molested the empire, there was no foreign enemy to endanger the peace of Italy. The wars in Thrace and in Spain had no effect beyond the provinces in which they subsisted. The insurrection of the slaves in Sicily, by the good conduct of Aquilius the Consul, to whom that service had been committed, was near being quelled.

Marius being now returned to the city, might have quitted the paths of ambition with uncommon distinction and honor. An ordinary Consulship, after his having been so often called upon in times of danger, as the person most likely to save his country, could make no addition to his glory. His being set aside in times of security and leisure, would even have been the most honorable and flattering comment that could have been made on his former elections.

But immoderate thirst of power, and extreme animosity to his rivals, not elevation of mind, were the characteristics of Marius. His ambition had hitherto passed for an aversion to aristocratical usurpations. But his contempt of family distinctions, the offspring of a vanity which made him feel the want of such honors, by clashing with the established subordination of ranks in his country, became a source of disaffection to the State itself. He formed views upon the Consulship yet a sixth time; and instead of the moderation, or the satiety of honors with which he pretended to be actuated when he hoped to be pressed into office, he employed all his influence, even his money, to procure a re-election; and accordingly prevailed, together with Valerius Flaccus. He had warmly espoused the interest of this candidate against Metellus, more from animosity to the competitor, whose great authority, placed in opposition to himself, he dreaded, than from any regard or predilection for Flaccus. Being chosen, in order the more to strengthen himself in the exercise of his

U. C. 653.
Gaius Marius
6to, L. Val.
Flaccus.

B O O K power, he entered into concert with the Tribune
II. Apuleius Saturninus, and it is probable, agreed to support this factious demagogue in his pretensions to remain in office for another year; a precedent which had taken place only in the most factious times of the republic, and which was in itself more dangerous than any other re-election whatever. The person of the Tribune being sacred, his will was absolute, there was no check to his power besides the fear of being called to account at the expiration of his term; and if this fear were removed by the perpetuity of office, it was a power yet more formidable than that of the Dictator, and to be restrained only by the divisions which might arise among those who were joined together in the exercise of it.

The faction that was formed by Marius and the Tribune Saturninus, with their adherents, was farther strengthened by the accession of the Prætor Glaucia. This person, while in office, and as he sat in judgment, had received an affront from Saturninus, in having his chair of state broken down, for presuming to occupy any part in the attention of the People, while an assembly called by the Tribune was met. He nevertheless chose to overlook this insult, in order to be admitted a partner in the consideration which was now enjoyed by these popular leaders.

Upon the approach of the tribunitian elections, the Senate and Nobles exerted themselves to prevent the re-election of Saturninus; and nine of the new candidates were, without any question, declared

declared to be duly elected in preference to him. The tenth place too was actually filled by the election of Nonnius Suffenas, whom the aristocracy had supported with all its influence. But the party of Apuleius, enraged at their disappointment, had recourse to violence, forced Nonnius, though already vested with the sacred character of Tribune, to take refuge in a work-shop, from whence he was dragged by some of the late soldiery attached to Marius, and slain. The assembly broke up, and sober persons, though reputed of the popular party, retired under the strongest impressions of affliction and terror.

Marius had reason to apprehend some violent resolution from the Senate, and was in no haste to assemble that body. Mean time Glaucia, in the night, with a party armed with daggers, took possession of the Capitol and place of assembly; and, at an early hour in the morning, having gone through the forms of election, announced Apuleius again Tribune, in the place that was vacated by the murder of Nonnius. This furious demagogue was accordingly reinstated in the sacred character, which, though recently violated by himself, was still revered by the bulk of the People. He was continually attended by a new set of men who infested the streets, freemen of desperate fortune, whom Marius, contrary to the established forms of the constitution, had admitted into the legions, and who were grown fierce and insolent, as partners in the victories of that general, and who were made to expect that, in case the popular party should

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prevail, they themselves should have estates in land and comfortable settlements.

Under the terror of so many assassins, who considered the Nobles as enemies to their cause, Marius with his faction were become masters of the commonwealth. The better sort of the People were deterred from frequenting the public assemblies, and no one had courage to propose, that any inquiry should be made into the death of the Tribune Nonnius, in whose person the sacred law was again set at nought¹.

Lex Agraria.

Apuleius hastened to gratify his party by proposing popular laws. One to seize, in name of the Public, those lands on the Po which had lately been desolated by the migrations of the barbarous nations, and to distribute them in lots to the poorer citizens².

Another, by which it was resolved, that in the province of Africa a hundred jugera a man should be distributed to the veterans³: that new settlements should be made in Greece, Macedonia, and Sicily: and that the money taken from the temple at Tolosa⁴ should be employed in the purchase of lands for a like purpose: that wherever these colonies should be planted, Marius should have a

¹ Appian. de Bell. Civil. lib. i. Plutarch, in Mario. Liv. lib. lxxix. Valer. Max. lib. ix. c. 7. Orosius, lib. v. c. 57. Florus, lib. iii. c. 16.

² Appian. de Bell. Civil. lib. i.

³ Aut. de Viris Illustribus in Saturnino.

⁴ Now Thoulouse.

power to inscribe, at each of the settlements, three aliens into the list of citizens'. That the price, hitherto paid for corn by the People at the public granaries, should be remitted, and that corn should be distributed gratis.

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Lex Fru-
mentaria.

Upon the intention to obtain the last of those laws being known, Q. Servilius Cæpio, one of the Quæstors, represented, that if such a law should pass, there would be an end of industry, good order, and government; and that the treasury of Rome would not be sufficient to defray the expense. He exhorted the Senate to employ every measure to defeat the motion. And this body accordingly made a resolution, that whoever attempted to obtain the law in question should be deemed an enemy to his country. But Apuleius was not to be restrained by the terrors of this resolution. He proceeded to propose the law in the usual form, and had planted the rails and balloting urns for the People to give their votes, when Cæpio, with a body of his attendants, had the courage to attack the Tribune, broke down the steps, and overset the balloting urns; an action for which he was afterwards impeached upon an accusation of treason, but by which, for the present he disappointed the designs of the faction'.

Apuleius, to extend the power of the popular assemblies, and to remove every impediment from his own designs, brought forward a number of new regulations. One to confirm a former statute, by

' Aut. de Viris Illustribus in Saturnino.

' Aut. Rhetoricorum ad Herennium.

B O O K which the acts of the Tribes were declared to have the force of laws. Another, declaring it to be treason for any person to interrupt a Tribune in putting a question to the People. A third, obliging the Senate to confirm every act of the Tribes within five days after such act had passed, and requiring every Senator, under pain of a fine, and of being struck off the rolls, to take an oath to abide by these regulations. While these motions were in debate, some one of the party who opposed them, in order to stop the career of this factious Tribune, observed, that it thundered; a circumstance which, upon the ordinary maxims of the Roman Augurs, was sufficient to suspend any business in which the People were engaged, and to break up their assembly. "If you be not silent," said Apuleius to the person who observed that it thundered, "you will also find that it hails." The assembly accordingly, without being deterred by this interposition of the auspices, passed acts to these several purposes. The power of the Senate was entirely suppressed, their part of the legislature was reduced to a mere form, and even this they were not at liberty to withhold. Marius called them together, and proposed that they should consider what resolution they were to take with respect to a change of so much importance, and particularly with respect to the oath which was to be exacted from the members. The old warrior is said, on this occasion, to have practised an artifice by which he imposed on many of the members, and which afterwards furnished him with a pretence for removing

his enemy Metellus from their councils. He declared himself with great warmth against taking the oath, and by his example led other Senators to express their sentiments. Metellus, in particular, assured the assembly, that it was his own resolution never to come under such an engagement.

While the Senators relied on the concurrence of Marius in refusing the oath, the time appointed for administering it nearly approached; and this Consul, after the third day was far spent, assembled the Senate, set forth the dangerous state of the commonwealth; at the same time expressed his own fears of the disturbances that might arise if the Senate refused to gratify the People in this matter; and while multitudes were assembled in the streets to know the issue of their councils, he required that the oath should be administered. He himself took it, to the astonishment of the Senate, and the joy of the populace assembled by Apuleius, who sounded applause through every part of the streets. Metellus alone, of all who were present, refused to comply, and withstood all the entreaties of his friends, who represented the danger with which he was threatened. *“ If it were always safe to do right,”* he said, *“ who would ever do wrong? But good men are distinguished, by choosing to do right even when it is least for their safety to do so”*.

On the following day the Tribune Saturninus entered the Senate, and not being stopped by the negative of any of his own colleagues, the only power that could restrain him, dragged Metellus from his place, and proffered an act of attainder

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and banishment against him, for having refused the oath which was enjoined by the People. Many of the most respectable citizens offered their aid to defend this illustrious Senator by force, but he himself declined being the subject of any civil commotion, and went into exile.

While the act, which afterwards passed for his banishment was preparing, he was heard to say, "If the times should mend, I shall recover my station; if not, it is a happiness to be absent from hence." He fixed his abode at Smyrna, conducted his retirement with great dignity during his exile, and probably felt as he ought, that any censure inflicted by men of a vile and profligate character was an honor.

In these transactions elapsed the second year, in which Apuleius filled the office of Tribune; and, being favored by a supineness of the opposite party contracted in a seeming despair of the republic, he prevailed yet a third time in being vested with this formidable power. To court the favor of the People, he affected to credit what was alleged concerning the birth of Equitius; and, under the name of Caius Gracchus, son of Tiberius, had this impostor associated with himself in the office of Tribune. The name of Gracchus, in this station, awakened the memory of former hopes and of former resentments. The party had destined Glaucia for the Consulship, and appear to have left Marius out of their councils. This will perhaps account for the conduct with which he concluded his administration in the present year.

At the election which followed, the interest of the Nobles was exerted for Marcus Antonius and C. Memmius. The first was declared Consul, and the second was likely to prevail over Glaucia; when, in the midst of the crowds that were assembled to vote, a sudden tumult arose; Memmius was beset and murdered; and the People, alarmed at so strange an outrage, were seized with a panic, and fled.

In the night Glaucia, Saturninus, and the Quæstor Sausenius, being known to be met in secret conference, all the citizens who yet retained any regard for the commonwealth crowded together, in fear of what so desperate a faction might attempt. All the voices were united against Saturninus, the supposed author of so many disorders and murders. It was proposed, without delay, to seize his person, either living or dead: but being put on his guard, by the appearance of a storm so likely to break on his head, he thought proper, with the other leaders of his party and their retainers in arms, to seize the Capitol, and there to secure themselves, and to overawe the assembly of the People. It was no longer to be doubted that the republic was in a state of war. Marius, who had fomented these troubles from aversion to the Nobles, now remained undetermined what part he should act. But the Senate being assembled, gave the usual charge to himself and his colleague to avert the danger with which the republic was threatened; and both these officers, however much they were disposed to favor the sedition, being in

BOOK. this manner armed with the sword of the com-
 II. monwealth, were obliged to employ it in support of the public peace. The Senators, the Knights, and all the citizens of rank repaired in arms to their standard. Antonius, Consul elected for the following year, in order to hinder the partisans of the faction from resorting to the city, was stationed in the suburbs with an armed force⁷. The Capitol was invested in form, and appears to have held out some days; at the end of which, in order to oblige the rebels to surrender, the pipes that supplied them with water were cut off. This had the intended effect. They submitted to such terms as were proposed to them; and Marius, still inclined to treat them with favor, had them confined to the hall of the Senate till farther orders. In the mean time a great party of citizens, who were in arms for the defence of the republic, impatient of delay, and thinking it dangerous to spare such daring offenders, beset them instantly in their place of confinement, and put the whole to the sword⁸.

It was reported, though afterwards questioned upon a solemn occasion⁹, that Caius Rabirius, a

⁷ Cicero pro C. Rabirio.

⁸ Plut. in Mario. Appian de Bell. Civil. lib. i. Oros. lib. v. c. 17. Flor. lib. iii. Aut. de Viris Illust. Cicero in Sextiana, in Catal. lib. i. Philip. lib. viii. & pro Caio Rabirio.

⁹ At the trial of Rabirius, when, some years afterwards, he was accused of having killed Saturninus.

Senator of distinction, having cut off the head of Apuleius, carried it as a trophy agreeable to the manners of those times, and had it presented for some days at all the entertainments which were given on this occasion, and at which he was a guest.

This was the fourth tribunitian sedition raised to a dangerous height, and quelled by the vigor and resolution of the Nobles. Marius, who had been obliged to act as the instrument of the Senate on this occasion, saw his projects baffled and his credit greatly impaired. Plutarch relates, that he soon after chose to leave the city for some time, on pretence of a desire to visit the province of Asia, where his active spirit formed the project of new wars, for the conduct of which he was much better qualified than for the administration of affairs in peace.

Upon the suppression of this dangerous sedition, the commonwealth was restored to a state which, compared to the late mixture of civil contention and military execution, may have deserved the name of public order. One office of Consul was still vacant; and the election proceeding without disturbance, Posthumius Albinus was joined to Antonius. Most of the other elections had also been favorable to the Nobles; and the majority even of the Tribunes of the People were inclined to respect the Senate and the Aristocracy, as principal supports of the government.

U. C. 654.
M. Antonius, A Posthumius Albinus.

The first effect of this happy recovery was a motion to recal Metellus from banishment. In this motion two of the Tribunes, Q. Pompeius

BOOK II. Rufus and L. Porcius Cato concurred. But Marius having opposed it with all his influence, and Publius Furius, another of the Tribunes, having interposed his negative, it could not at that time be carried into execution. Soon after, however, the same motion being renewed by the Tribune Callidius, and Furius having repeated his negative, Metellus, son of the exile, in presence of the People, threw himself upon the ground, and, embracing the Tribune's knees, beseeched him not to withstand the recal of his father. The young man, from this action, afterwards acquired the Surname of *Pius*; and the Tribune, insolently spurning him as he lay on the ground, served his cause by that act of indignity perhaps more effectually than he could have done by lending a favorable ear to his request. The People, ever governed by their present passions, were moved with tendernefs and with indignation. They proceeded, without regard to the negative of Furius, under emotions of sympathy for the son, to recal the exiled father. The messenger of the republic, charged with the intimation of this resolution to Metellus, found him at Tralles in Lydia, among the spectators at a public show. When the letters were delivered to him, he continued to the end of the entertainment without opening them; by this mark of indifference, treating the favor of a disorderly populace with as much contempt as he had shown to their censure.

The Senate, now become the supreme power at Rome, by the distaste which all reasonable men

had taken to the violence of the opposite party, were gratified, not merely with the test of superiority they had gained in the recel of Metellus, but likewise in the downfall of some of the Tribunes who had been active in the late disorders. Publius Furius, now become an object of general detestation, fell a sacrifice to the law of Apuleius, which declared it treason to interrupt a Tribune in putting a question to the People. Being accused by Canuleius, one of his colleagues, of violating this law, he was by the populace, who are ever carried by the torrent, and prompt for execution, prevented from making his defence; and, though a Tribune, put to death. Decianus, another of the Tribunes, in supporting the charge against Furius, happened to speak with regret of the death of Saturninus, a crime for which he incurred a prosecution, and was banished¹⁰. So strong was the tide of popularity now opposite to its late direction, and so fatal even to their own cause frequently are the precedents or the rules by which violent men think to obtain discretionary power to themselves. The murder of Nonnius was a precedent to justify the execution of Apuleius, and both were followed by that of Furius. The law which made it treason to interrupt the proceedings of Apuleius, was employed to prevent any interruption to the operations of his enemies against himself and his faction.

Amidst these triumphs of the aristocratical party,

¹⁰ Val. Max. lib. viii. c. i.

BOOK Sextus Titius, one of the Tribunes, still had the
II. courage to move a revival of the Agrarian law of Gracchus. The proposal was acceptable in the assembly of the people¹¹. And the edict was accordingly passed; but it was observed, that while the People were met on this business, two ravens fought in the air above the place of assembly, and the college of Augurs, on pretence of this unfavorable omen, annulled the decree¹². Titius, the author of it, was soon after condemned for having in his house the statue of Saturninus¹³.

The Consul Aquilius returned from Sicily; and having had an ovation or procession on foot for the reduction of the Sicilian slaves, was on the following year brought to trial for extortion in his province. He called no exculpatory evidence, nor deigned to court the favor of his judges. But when about to receive sentence, M. Antonius, who had pleaded his cause, tore open the vest of his client, and displayed to the court and the audience the scars which he bore in his breast, and which were the marks of wounds received in the service of his country. Upon this spectacle, a sudden emotion of pity or respect decided against the former conviction of the court, and unfixed the resolution, which a few moments before they had taken to condemn the accused.

Among the events which distinguished the Con-

¹¹ Julius Obsequens.

¹² Cicero de Legibus, lib. ii.

¹³ Ibid. pro C. Rabirio. Ibid de Orator. lib. ii. c. 28.

fulate of M. Antonius and A. Posthumius Albinus, may be reckoned the birth of Caius Julius Cæsar, for whose ambition the seeds of tribunitian disorder now sown were preparing a plentiful harvest. This birth, it is said, was ushered in with many presages and tokens of future greatness. If indeed we were to believe, that nature in this manner gives intimation of impending events, we should not be surpris'd that her most ominous signs were employed to mark the birth of a personage who was destined to change the whole face of the political world, and to lay Rome herself, with all the nations she had conquered, under a perpetuated military government.

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Antonius and Albinus were succeeded in office by Q. Cæcilius Metellus and Titus Didius. The war still continued in Spain, and fell to the lot of Didius. Upon his arrival in the Province, Dolabella, the Proprætor, set out on his return to Rome, and for his victories in Spain, obtained a triumph. Metellus remained in the administration of affairs in Italy.

U. C. 655.
Q. Cæcilius
Metellus
Nepos.
T. Didius.

The administration of the present year is distinguished by an act in which both Consuls concurred, and which is therefore marked in the title with their joint names. The Roman People had frequently experienced the defect of their forms in the manner of enacting laws. Factionous Tribunes had it in their power to carry motions by surprise, and to pass in the same law a variety of clauses; and, by obliging the people to pass or reject the whole in one vote, frequently obtained, under the favor of

Lex Cæcilia
Didia.

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some popular clauses, acts of a very dangerous tendency. To prevent this abuse, it was now enacted, upon the joint motion of the Consuls Cæcilius and Didius, that every proposed law should be made public three market-days before it could receive the assent of the people: that all its different clauses should be separately voted: and that it should be lawful for the People to pass or reject the whole or any part of it¹⁴.

This law had a salutary tendency; and, though far from sufficient to prevent a return of the late evils, it served for a time to stop the current of tribunitian violence; but while the source was open, any mere temporary stagnation could only tend to increase the force with which it occasionally burst over every impediment of law or good order that was placed in its way. And the inefficacy of measures, taken upon the suppression of any dangerous sedition to eradicate the evil, shows the extreme difficulty with which men are led, in most cases, to make any great and thorough reformation.

It is somewhat singular, that about this time, in the midst of so much animosity of the people to the Senate and Nobles, this superior class of the citizens were the patrons of austerity, and contended for sumptuary laws, while the popular Tribunes contended for licence. "What is your liberty," said the Tribune Durocius to the People (while he moved for a repeal of the sumptuary

¹⁴ Cic. Philip. v. Pro domo sua. Epist. ad Atticum, lib. ii.

law of Fannius), if you may not consume what
 “ is your own ; if you must be restrained by rule
 “ and measure ; if you must be stinted in your
 “ pleasures ? Let us shake off, I pray you, these
 “ musty remains of antiquity, and make free to
 “ enjoy what we and our fathers have gained ”.

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For the petulance of these expressions, this Tribune was, by the judgment of the Censors, on the following year, expelled from the Senate; and he took his revenge by prosecuting the Censor Antonius for bribery in canvassing for his office.

Cn. Cornelius Lentulus and Publius Licinius Crassus being raised to the office of Consul, the latter was appointed to relieve Didius in Spain, and the other to succeed Metellus in Italy. There is, during some years, a considerable blank in the materials from which we collect this history ; little more is recorded than the succession of Consuls with the number of years, and a few particulars that ill supply the interval in our accounts of what passed in the city, or in the series of important affairs abroad. So far as these particulars, however, can be referred to their respective dates, it will be proper, while we endeavour to mark the lapse of time, to record them in the order in which they are supposed to have happened.

U. C. 656.

Cn. Cornelius Lentulus, P. Licinius Crassus.

In the present year are dated two remarkable acts of the Senate ; one to condemn the use of magic, another to prohibit human sacrifices²⁵ ; the first proceeding, perhaps, from credulity in the

U. C. 656.

²⁵ Val. Max. lib. ii. c. 9.

²⁶ Plin. lib. xxx. c. 1.

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authors of the law, the other implying some remains of a gross and inhuman superstition, which was still entertained by the People though rejected by the Government¹⁷.

In the following Consulate the kingdom of Cyrene was bequeathed to the Romans by Ptolomy Apion, the late king. But, as this People professed themselves to be the general patrons of liberty, where this blessing was not forfeited by some act of ingratitude or perfidy in their allies, they did not avail themselves of this legacy, leaving the subjects of Cyrene to retain for some time the independence of their nation with a species of popular government; and in this form they were allowed to remain as a separate State, until, in a general arrangement made of all the dependencies of the empire, they came to be reduced to the form of a province.

U. C. 658.
L. Licinius
Crassus, Q.
Mucius Scæ-
vola.
Lex Licinia
Mucia de
Civibus re-
gendis.

The following Consuls gave its name and its date to an act of the People nearly of the same tenor with some of those formerly passed for the exclusion of aliens. The inhabitants of Italy still continued the practice of crowding to Rome, in expectation of obtaining in a body the prerogative of citizens, or at least of intruding themselves, as many of them separately did, into some of the Tribes, by which persons of this description, from voting at elections, came themselves by degrees to be elected into the higher offices of State.

Times of faction were extremely favorable to

¹⁷ Dio Cassius, lib. xlii. p. 226. this

this intrusion of strangers. Different leaders connived at the enrolment of those who were likely to favor their respective parties. And the factious Tribunes, in whatever degree they may have favored the general claim of the allies to be admitted as Romans, treated the subject as matter of opposition to the Senate. They expected to raise the storm of popular animosity and tumult with the more ease, in proportion as the numbers of the people increased. By the act of Licinius and Mucius, nevertheless, a scrutiny was set on foot, and all who, without a just title, ventured to exercise any privilege of Roman citizens, were remitted to their several boroughs¹⁸.

In this consulate is likewise dated the trial of Servilius Cæpio, for his supposed misconduct about ten years before in his command of the army against the Cimbri. He had exasperated the popular faction, by opposing the act of Saturninus for the gratuitous distribution of corn, and his enemies were now encouraged to raise this prosecution against him. The People gave sentence of condemnation, and violently drove from the place of assembly two of the Tribunes who ventured to interpose their negative in his favor. Authors, according to Valerius Maximus, have differed in their accounts of the sequel; some affirming that Cæpio, being put to death in prison, his body was dragged through the streets as that of a traitor, and cast into the river; others, that he was, by the

¹⁸ Afcon. in Orat. pro Cornelio Majest. reo.

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favor of Antistius, one of the Tribunes, rescued, or enabled to make his escape ¹⁹.

C. Norbanus, who was said to be author of the riot, which occasioned the condemnation of Cœpio, and the supposed cruel execution of that citizen, was on the following year brought to trial himself for mal-administration and sedition in office; but, by his own popularity, and the address of the orator Antonius, who pleaded his cause, was acquitted ²⁰.

The war in Spain still continued; and the Romans, having gained considerable victories, sent ten commissioners, to endeavour, in concert with Crassus and Didius, to make such arrangements as might tend to the future peace of those provinces: but in vain; hostilities were again renewed in the following year.

U. C. 660.
C. Val.
Flaccus,
M. Herennius.

L. Cornelius Sylla, who had been Quæstor in the year of Rome six hundred and forty-six, now, after an interval of about fourteen years, and without having been Ædile, stood candidate for the office of Prætor. Whether his neglect of political honors, during this period, proceeded from idleness, or from want of ambition, is uncertain. His character will justify either construction, being equally susceptible of dissipation, and of the disdain of ordinary distinctions. The people, however, refused to gratify him in his desire of passing on to the office of Prætor without being Ædile; as they

¹⁹ Val. Max. lib. iv. c. 7.

²⁰ Cicero de Orator. lib. ii.

were resolved to be gratified with the magnificent shows of wild beasts, which his supposed correspondence with the king of Mauritania enabled him to furnish. But to remove this objection to his preferment, he gave out, that as Prætor he was to exhibit the same shows which were expected from him as Ædile; and having, in the following year, persisted in his suit, he was accordingly elected, and fulfilled the expectations of the People; insomuch, that he is said to have let loose in the Circus a hundred maned or male lions, and to have exhibited the method of baiting or fighting them by Mauritanian huntsmen ²¹. Such was the price which candidates for preferment at Rome were obliged to pay for public favor.

In this variable scene, where so many particular men excelled in genius and magnanimity, while the State itself was subject to the government of a capricious and disorderly multitude, P. Rutilius, late Quæstor in Asia, exhibited a spectacle sufficient to counterbalance the lions of Sylla; and, if it were permitted in any case whatever to treat our country with disdain, an instance to be applauded of the just contempt with which the undeserved resentments of corrupt and malicious men ought to be received. Having reformed many abuses of the equestrian tax-gatherers in the province which he governed, he was himself brought before the tribunal of an equestrian jury, to be tried for the crime he had restrained in others. In this situation

²¹ Plin. lib. viii. c. 16.

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II.

he declined the aid of any friend, told the judges he would make no defence; but stated the particulars by which he had offended his prosecutors, left the court to decide, and, being condemned, retired to Smyrna, where he ever after lived in great tranquillity, and could not be prevailed on, even by Sylla in the height of his power, to return to Rome²². Great as the State and Republic of Rome was become, unmerited disgrace was certainly a just object of contempt or indifference.

The Proconsuls, Didius and Crassus, were permitted to triumph for victories obtained in Spain, but had not been able to establish the peace of that country. The war which broke out afresh in one of the provinces was committed to Valerius Flaccus, and the care of the other to Perperna, one of the Consuls. Flaccus, near the town of Belgida, obtained a great victory, in which were slain about twenty thousand of the enemy; but he could not prevail on the canton to submit. Such of the People as were inclined to capitulate, deliberating on terms, were beset by their fellow-citizens, and the house in which they were assembled being set on fire, they perished in the flames.

U. C. 661.
C. Claudius
Pulcher,
M. Perperna.

The war having been likewise renewed with the Thracians on the frontiers of Macedonia, Geminius, who commanded there in the quality of Proprætor, was defeated, and the province over-run by the enemy.

²² Val. Max. lib. vi. c. 17. Liv. lib. lxx. Orosius, lib. v. c. 17. Cic. de Orat. & in Bruto. Pædianus in Divinationem. Velleius, lib. ii.

The Prætor Sylla, at the expiration of his office, was sent into Asia with a commission to restore Ariarathes to the kingdom of Cappadocia, which had been seized by Mithridates, and to restore Pylamenes to that of Paphlagonia, from which he had been expelled by Nicomedes, king of Bithynia. The Prætor having successfully executed both these commissions, continued his journey to the Euphrates, where he had a conference, and concluded a treaty with an ambassador from Ariarathes, king of the Parthians ²³.

From an edict of the Censors, Cn. Domitius Ahenobarbus and C. Licinius Crassus, condemning the schools of Latin rhetoric ²⁴, it appears that the Romans, during this period, still received with reluctance the refinements which were gradually taking place in the literary as well as in the other arts. "Whereas information," said the Censors in their edict, "has been lodged before us that
 " schools are kept by certain persons, under the
 " title of Latin rhetoricians, to which the youth
 " of this city resort, and at which they pass entire
 " days in frivolity and sloth; and whereas our ancestors have determined what their children should
 " learn, and what exercises they ought to frequent: these innovations on the customs and
 " manners of our forefathers, being, in our opinion,
 " offensive and wrong, we publish these presents,

²³ Plutarch, in Sylla. Appian. in Mithridatico. Justin, lib. xxxiii. Strabo, lib. xii.

²⁴ Cicero, de Orator. lib. iii. c. 24.

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“ that both masters and scholars, given to these
 “ illicit practices , may be duly apprized of our
 “ pleasure ”. Cicero being now fourteen years
 of age, and employed in learning that eloquence
 for which he became so famous, was probably in-
 volved in this censure, as frequenting the schools
 which, by this formal edict of the magistrate, were
 condemned.

In the Consulate of Marcus Philippus and Sext.
 Julius Cæsar, according to Pliny, there were in
 the Roman treasury sixteen hundred and twenty-
 eight thousand eight hundred and twenty-nine
 pondo ²⁶ of gold ²⁷, or between sixty and se-
 venty or eighty millions sterling. In the same year
 a present sent from the king of Mauritania had near-
 ly produced a civil war in the commonwealth, and
 greatly inflamed the passions from which that cala-
 mity soon after arose. Bocchus, in order to re-
 mind the Romans of the merit he had acquired by
 delivering Jugurtha into their hands, had caused
 this scene to be represented in a groupe of images
 of gold, containing his own figure, that of Ju-
 gurtha, and that of Sylla, to whom the unhappy
 prince was delivered up. Marius, under whose
 auspices this transaction had passed, being provoked
 at having no place in the representation of it, at-
 tempted to pull down the images after they had
 been erected in the place of their destination, in the

²⁵ A. Gellius, lib. xv. c. 11.

²⁶ The Roman pondo of ten ounces.

²⁷ Plin. Hardouin. lib. xxxiii. c. 3.

Capitol. Sylla was equally sollicitous to have them remain ; and the contest was likely to end in violence , if matters of greater moment had not arisen to occupy the ardent and vehement spirit of these rivals.

C H A P.

VI.

The expectations of all parties at Rome, and throughout Italy , were now raised by the project of Livius Drusus , an active Tribune , who , in order to distinguish himself , brought forward many subjects of the greatest concern to the public. He acted at first in concert with the leading men of the Senate , and was supported by them in order to obtain some amendment in the law as it then stood with respect to the courts of justice. The Equestrian order had acquired exclusive possession of the judicature. The Senators wished to recover at least a share in that prerogative ; and Drusus , in order to gratify them , moved for an act of which the tendency was , to restore the judicative power of the Senate : to prevent opposition from the Equestrian order , he proposed , at once , to enrol three hundred knights into the Senate ; and that the Senators , who appear at this time to have amounted to no more than three hundred , might not withstand this increase of their numbers , he left to each the nomination of one of the new members ; proposing , that from the six hundred so constituted , the lists of judges should be taken²⁸. Many of

Lex de Juri
diciis.

²⁸ Appian. de Bell. Civ. lib. i. Aut. de Viris Illustribus , c. 66. Cicero pro Cluentio.

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the knights were reconciled to this arrangement, by the hopes of becoming Senators; but the order, in general, seem to have considered it as a snare laid to deprive them of their consequence in the government of their country; and individuals refused to accept of a place in the Senate, at the hazard of so great and so sudden a change in the condition of their own order, and of the constitution of the State ²⁹.

Lex Num-
maria.

This Tribune likewise proposed an act to debase the silver coin, by mixing an eighth of alloy. But the part of his project which gave the greatest alarm, was that which related to the indigent citizens of Rome, and to the inhabitants of Italy in general.

Lex de Co-
loniis.

With, a view to gratify the poorer citizens he proposed that all the new settlements, projected by the law of Caius Gracchus, should now be carried into execution. The Consul, Marcus Perperna, having ventured to oppose this proposal, he was, by order of the Tribune, taken into custody; and so roughly treated in the execution of this order, that, while he struggled to disengage himself, the blood was made to spring from his nostrils. "It is no more than the pickle of the turtle-fish", said the Tribune, a species of delicacy, in which,

²⁹ Appian. de Bell. Civ. lib. i. Aut. de Viris Illustribus, c. 66. Cicero pro Cluentio.

³⁰ Ex turdis maria. Aut. de Viris Illustribus, in L. Druf. Val. Max. lib. ix. c. 5. Florus.

it seems, among other luxuries of the table, this Consul was supposed frequently to indulge himself.

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VI.

For the allies of Italy, Livius Drusus proposed to obtain the favorite object on which they had been so long intent, the privileges and powers of Roman citizens. In all his other proposals, he had the concurrence of some party in the commonwealth, and by persuasion, or force, had obtained his purpose; but in this he struck at the personal consideration of every citizen, and was opposed by the unanimous voice of the whole People.

Lex de Ci-
vitate So-
ciis danda.

This Tribune used to boast, that he would exhaust every fund from which any order of men could be gratified, and leave to those who came after him nothing to give, but the air and the earth¹. The citizens in general, however, were become tired of his favors, and the people of Italy were ill-disposed to requite the merit of a project which he had not been able to execute. Soon after the motion, which he made in favor of the Italians, had been rejected, Drusus was suddenly taken ill in the public assembly, and Papirius Carbo, another of the Tribunes, made a short speech on the occasion, which, among a People prone to superstition, and ready to execute whatever they conceived to be awarded by the gods, probably hastened the fate of his falling colleague: "O Marcus Drusus!" he said, "the father I call, not this degenerate son; thou who usedst to say, The commonwealth is

¹ Florus, lib. iii. c. 17.

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" sacred, whoever violates it is sure to be pu-
 " nished. The temerity of the son has evinced
 " the wisdom of the father." A great shout arose
 in the assembly, and Drusus³², being attended to
 his own house by a numerous multitude, received
 in the crowd a secret wound of which he died³³.
 All his laws were soon after repealed, as having
 passed under unfavorable auspices. But the in-
 habitants of Italy were not to be appeased under
 their late disappointment, and discontents were
 breaking out in every part of the country, which
 greatly alarmed the republic.

In this state of public uneasiness, some pro-
 secutions were raised by the Tribunes, calculated
 to gratify their own private resentments, and tend-
 ing to excite animosities. Q. Varius Hibryda ob-
 tained a decree of the People, directing, that in-
 quiry should be made by whose fault the allies had
 been made to expect the freedom of the city. In
 consequence of an inquest set on foot for this pur-
 pose, L. Calpurnius Bestia, late Consul, and M.
 Aurelius Orator, and other eminent men, were
 condemned³⁴. Mummius Achaicus was banish-
 ed to Delos. Emilius Scaurus, who had long main-
 tained his dignity as Princeps, or first on the roll
 of the Senate, was cited on this occasion before the

³² Cicero in Bruto, p. 63.

³³ Velleius, lib. ii. c. 13, 14. Appian. Florus, lib. iii. c. 17.

³⁴ Appian. Val. Max. lib. viii. c. 6. Cicero in Bruto.

People, as a person involved in the same guilt, Quintus Varius, the Tribune, who accused him, being a native of Spain, Scaurus was acquitted upon the following short defence: "Q. Varius, " from the banks of the Sucro, in Spain, says, That " M. Emilius Scaurus, first in the roll of the Se- " nate, has encouraged your subjects to revolt; " Varius maintains the charge; Scaurus denies it; " There is no other evidence in this matter: chuse " whom you will believe ³⁵."

The year following, Varius himself was tried, and condemned agreeably to his own act; and while the prosecutions suspended all other civil affairs, and even the measures required for the safety of the public, the inhabitants of Italy were forming dangerous combinations, and were ready to break out in actual rebellion. They were exasperated with having their suit not only refused, but in having the abettors of it at Rome considered as criminals. They sent deputies to meet at Corfinium, and to deliberate on a plan of operations. Their deputies were to form a Senate, and to chuse two executive officers, under the denomination of Consuls.

The Romans took their first suspicion of a dangerous design in agitation among their allies, from observing that they were exchanging hostages among themselves. The Proconsul Servilius, who

³⁵ Cicero pro M. Scauro filio. Aut. de Viris Illustribus, c. 72. Quintilian, lib. v. c. 12. Val. Max. lib. iii. c. 7.

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commanded in the Picenum, having intelligence to this purpose from Asculum, repaired thither, in order, by his presence, to prevent any commotion; but his coming, in reality, hastened the revolt. His remonstrances and his threats made the inhabitants sensible that their designs were known, and that the execution of them could no longer in safety be delayed. They accordingly took arms, and put to the sword the Proconsul Servilius, with his lieutenant, and all the Roman citizens who happened to be in the place. The alarm immediately spread throughout all the towns that were concerned in the plot; and, as upon a signal agreed, the Marfi, Peligni, Vestini, Marcini, Picentes, Ferentanæ, Hirpini, Pompeiani, Venusini, Apuli, Lucani, and Samnites, took arms, and sent a joint deputation to Rome to demand a participation in the privileges of Roman citizens; of which they had, by their services, contributed so largely to increase the value.

In answer to this demand they were told by the Senate, That they must discontinue their assemblies, and renounce their pretensions; otherwise, that they must not presume to send any other message to Rome.

U. C. 663.
L. Julius.
Cæsar,
P. Rutilius
Lupus.

War being thus declared, both parties prepared for the contest. The allies mustered a hundred thousand men, in different bodies, and under different leaders. The Romans found themselves in an instant brought back to the condition in which they had been about three hundred years before; reduced to a few miles of territory round their walls,

and beset with enemies more united, and more numerous than ever had assailed them at once on the same ground. But their city was likewise enlarged, their numbers increased, and every individual excellently formed to serve the State, as a warrior and a citizen. All of them assumed, upon this occasion, the sagum, or military dress; and being joined by such of the Latins as remained in their allegiance, and by such of their colonies, from different parts of Italy, as continued to be faithful, together with some mercenaries from Gaul and Numidia, they assembled a force equal to that of the allies.

The Consuls were placed at the head of the two principal armies; Lucius Julius Cæsar, in the country of the Samnites ³⁶, and Rutilius, in that of the Marfi ³⁷. They had under their command the most celebrated and experienced officers of the republic; but little more is preserved to furnish out the history of this war than the names of the Roman commanders, and those of the persons opposed to them. Rutilius was attended by Pompeius Strabo, the father of him who afterwards bore the title of Pompey the Great; Cæpio, Perperna, Messala, and Caius Marius, of whom the last had already so often been Consul. Cæsar had, in the army which he commanded, Lentulus, Didius, Crassus, and Marcellus. They were opposed

³⁶ Now part of the kingdom of Naples.

³⁷ Contiguous part of the Ecclesiastical State.

BOOK II. by T. Afranius, P. Ventidius, Marcus Egnatius, Q. Pompeius, C. Papius, M. Lamponius, C. Judacilius, Hircus, Asinius, and Vetius Cato, at the head of the allies. The forces were similar in discipline and in arms. The Romans were likely to be inferior in numbers and in resources, but had the advantage in reputation, authority, and in the fame of their leaders, inured to command in the highest stations. But so well had the allies taken their measures, and with so much animosity did they support a quarrel, which they had been meditating for some years, that the Romans appeared at first unequal to the contest, and were surprised and overcome in many encounters.

The detail of these operations is imperfectly recorded; and does not furnish the materials of a relation either interesting or instructive. We must therefore content ourselves with a list of actions and events, and with the general result.

One of the Consuls, Lucius Cæsar, in the first encounter of the war, was defeated by Vetius Cato near Esernia, and had two thousand men killed in the field. The town of Esernia was immediately invested, and some Roman Officers of distinction were obliged to make their escape in the disguise of slaves. Two Roman cohorts were cut off at Venafrum, and that colony fell into the hands of the enemy. The other consul, Rutilius, was likewise defeated by the Marfi, and fell in the field, with eight thousand men of his army. His colleague was called to the city to preside at the election of a successor; but being necessarily

detained with the army, the office continued vacant for the remainder of the campaign, while the army acted under the direction of the late Consuls, Marius and Cæpio.

The corpse of Rutilius, and of other persons of rank, being brought to public funeral at Rome, so alarmed and sunk the minds of the People, that the Senate decreed, that, for the future, the dead should be buried where they fell.

In the mean time, Lucius Cæsar obtained a victory in the country of the Samnites; and the Senate, in order to restore the confidence of the People, as if this victory had suppressed the revolt, resolved, that the sagum, or military dress, should be laid aside ³⁸.

The usual time of the Consular elections being come, Cn. Pompeius Strabo and Porcius Cato were named.

U. C. 664.
Cn. Pomp.
Strabo,
L. Porcius
Cato.

Pompey gained a complete victory over the Marfi; and, notwithstanding an obstinate defence, reduced the city of Asculum, where hostilities at first had commenced, and where the Romans had suffered the greatest outrage. The principal inhabitants of the place were put to death, the remainder were sold for slaves. The other Consul, Cato, was killed in an attack upon the intrenchments of the Marfi; and although Marius and Sylla, in different quarters, had turned the fortune of the war against the allies, yet the event still continued to be extremely doubtful.

³⁸ Liv. lib. lxxiv. Appian. Orosius, lib. v. c. 18. Florus, lib. iii. c. 18. Velleius. Eutropius.

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The Umbrians, Etruscans, and the inhabitants of other districts of Italy, who had hitherto hesitated in the choice of their party, took courage from the perseverance and success of their neighbours, and openly joined the revolt. The more distant parts of the empire were soon likely to seize the contagion: they were already, by the obstruction they met with in carrying supplies of provisions or revenue, severed from the capital, and the allegiance they owed as conquered provinces, whenever they saw their opportunity to withdraw it, was likely to vanish like a dream or ideal existence.

Mithridates, the king of Pontus, did not neglect the occasion that was offered to him; he put all his forces in motion, expelled Nicomedes from Bithynia, and Ariobarzanes from Cappadocia, and made himself master of the greater part of the Lesser Asia.

In this extremity it appeared necessary to comply with the demands of the allies; but the Senate had the address to make this concession seem to be an act of munificence and generosity, not of weakness or fear.

The Latins, who had continued in their allegiance, were, in consideration of their fidelity, admitted to all the privileges of Roman citizens. The Umbri and Tuscans, who either had not yet declared, or who had been least forward in the war, were next comprehended; and the other inhabitants of Italy; observing, that they were likely to obtain by favor what they endeavoured to extort by force, grew remiss in the war, or withdrew from
the

the league, that they might appear to be forward in the general return to peace. CHAP. VI.

The Marfi, Samnites, and Lucanians, who had been the principal authors of the revolt, or who had acted with most animosity in the conduct of it, continued for some time to be excluded from the privilege of Romans. But the civil war, which soon after broke out among the citizens themselves, terminated either in the extirpation of those aliens, and in the settlement of Roman colonies in their stead, or gave them an opportunity, under favor of the party they espoused, of gaining admittance to the privilege to which they aspired: so that, in a few years, all the inhabitants of Italy, from the Rubicon to the Straits of Messina, were become citizens of Rome; and a constitution of state, which had been already overcharged by the numbers that partook of its sovereignty, was now altogether overwhelmed; or if this change alone were not sufficient to destroy it, was not likely long to remain without some notable and fatal revolution. Assemblies of the People, already sufficiently tumultuary, being now considered as the collective body of all the Italians, were become altogether impracticable, or could be no more than partial tumults, raised in the streets of Rome, or the contiguous fields, for particular purposes: insomuch that when we read of the authority of the Senate being set aside by an order of the People, we may venture to conceive all government suspended at the instance of that party, who had then the populace of Rome at their call.

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Licinius Crassus and L. Julius Cæsar were chosen Censors, in order to make up the new rolls of the People. This, it is likely, was found to be a difficult and tedious work. It became necessary to scrutinize the rolls of every separate borough, in order to know who were entitled to be added to the list of Roman citizens; and this difficulty was farther increased in consequence of a law devised about this time by Papirius Carbo, in which it was enacted, that not only the natives and ancient denizens of Italy, but all who should, for the future, obtain the freedom of any Italian borough, if they had a residence in Italy, and had given in their claim to the Prætor sixty days, should by that act become citizens³⁹: so that the prerogative of the Roman People continued to be in the gift of every separate corporation, as well as in that of the State itself.

The number of the aliens admitted on the rolls, at this muster, is not recorded; but it was probably equal to that of the ancient citizens, and might have instantly formed a very powerful and dangerous faction in the State, if effectual measures had not been taken to guard against the effect of their influence. For this purpose, they were not mixed promiscuously with the mass of the People, but confined to eight particular Tribes⁴⁰; by this means they could only influence eight votes in

³⁹ Cicero pro Archia Poëta.

⁴⁰ Velleius Paterculus, lib. ii. c. 20.

thirty-five⁴¹; and the ancient citizens were still possessed of a great majority. But this artifice did not long escape the attention of those who were aggrieved by it, and became the subject of a new dispute.

While the Romans were meditating, or actually making this important change in the state of the commonwealth, they found leisure for matters of less moment, in which they endeavoured to provide for the peace of the city, and the administration of justice.

Plautius, one of the Tribunes, obtained a new law for the selection of judges, by which it was enacted, That each Tribe should annually elect fifteen citizens, without any distinction of rank; and that, from the whole so named, the judges in all trials that occurred within the year should be taken⁴². This law appeared to be equitable, as it gave, with great propriety, to all the different classes of men in the State, an equal right to be named of the juries; and to every party concerned, an equal chance of being tried by his peers.

The same Tribune likewise obtained a law for the preservation of the public peace, by which it

⁴¹ Historians mention this particular, as if eight new Tribes were added to the former thirty-five; but the continual allusion of Roman writers, to the number thirty-five, will not allow us to suppose any augmentation. Cicero de Lege Agraria 2da, c. 8.

⁴² Pædianus in Cornelianam Ciceronis.

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II.

was declared capital to be seen in public with a weapon, or instrument of death; to occupy any place of strength in the city; to offer violence to the house of any person, or to disturb any company; to interrupt any meeting of the Senate, assembly of the People, or court of justice. To these clauses Catulus subjoined another, in which he comprehended persons surrounding the Senate with an armed force, or offering violence to any magistrate²².

²² Cicero pro Cælio, & Harusp. Ref.

C H A P. VII.

Triumph of Pompeius Strabo. — Progress of Sylla. — War with the King of Pontus. — Rise of that Kingdom. — Appointment of Sylla to command. — Policy of the Tribune Sulpicius. — Sylla's Commission recalled in Favor of Marius. — His March from Campania to Rome. — Expels Marius and his Faction from the City. — His Operations in Greece. — Siege of Athens. — Battle of Chæronea. — Of Orchomenos. — Transactions at Rome. — Policy of Cinna. — Marius recalled. — Cinna flies, and is deprived. — Recovers the Possession of Rome. — Treaty of Sylla with Mithridates. — He passes into Italy. — Is opposed by numerous Armies. — Various Events of the War in Italy. — Sylla prevails. — His Proscription, or Massacre. — Named Dictator. — His Policy — Resignation — and Death.

THE social war, though far from being successful, concluded with a triumphal procession; and the Senate, though actually obliged to yield the point for which they contended, thought proper, under pretence of advantages gained on some particular occasions, to erect a trophy. They singled out Pompeius Strabo for the pageant in

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VII.

BOOK 11. this ceremony ; either because he had reduced Asculum , where the rebellion first broke out, or because a victory obtained by him had most immediately preceded the peace. But the most remarkable circumstance in this procession was, its being, in show, a triumph of the old citizens over the new, but in reality , a triumph of the latter. Ventidius Bassus, being a prisoner in the war, and led as such in the present triumph, came in the form of a captive to share in the prerogatives of a Roman; he was, in the sequel, promoted to all the honors of the State; and himself, in the capacity of a victorious general, led a procession of the same kind with that in which he had made his first entry at Rome as a captive¹.

Sylla, by his conduct and his successes wherever he had borne a separate command in this war, gave proof of that superior genius by which he now began to be distinguished. By his magnanimity on all occasions, by his great courage in danger, by his imperious exactions from the enemy, and by his lavish profusion to his own troops, he obtained, in a very high degree, the confidence and attachment of his soldiers; and yet in this, it is probable, he acted from temper, and not from design, or with any view to what followed. With so careless and so bold a hand did this man already hold the reins of military discipline, that Albinus, an officer of high rank, and next in command to himself,

¹ Val. lib. vi. c. 9. Gellius, lib. xv. c. 4. Plin. lib. vii. c. 43. Dio Cassius, 43. fine.

being killed by the soldiers in a mutiny, he treated this outrage as a trifle, saying, when the matter was reported to him, That the troops would atone for it when they met with the enemy².

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With the merits he had recently displayed in this war, he repaired to the city, laid claim to the Consulship, and was accordingly chosen in conjunction with Quintus Pompeius Rufus.

U. C. 665.
L. Corn. Sylla,
Q. Pomp. Rufus, Coss.

It was thought necessary still to keep a proper force under arms in Italy, until the public tranquillity should be fully established. The army, which had acted under Cneius Pompeius Strabo, Consul of the preceding year, was destined for this service; and Quintus Rufus was appointed to the command of it.

The war with Mithridates, king of Pontus, however, was the principal object of attention; and this province, together with the army then lying in Campania, fell to the lot of Sylla.

The monarchy of Pontus had risen upon the ruins of the Macedonian establishments in Asia; and, upon their entire suppression, was become one of the most considerable kingdoms of the East.

Mithridates had inherited from his ancestors a great extent of territory, reaching in length, according to the representation of his own ambassador in Appian, twenty thousand stadia, above two thousand miles. He himself had joined to it the kingdom of Colchos, and other provinces on

² Plutarch, in Sylla.

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the coasts of the Euxine sea. His national troops amounted to three hundred thousand foot, and forty thousand horse, besides auxiliaries from Thrace, and from that part of Scythia which lies on the Meotis and the Tanais, countries over which he had acquired an ascendant approaching to a sovereignty. He had pretensions likewise on the kingdoms of Bithynia and Cappadocia, which he had hitherto relinquished from respect to the Romans, or of which he had deferred the effect until he should be prepared to cope with this formidable power. All his pretensions indeed, like those of other monarchs, were likely to extend with his force, and to receive no limitation but from the defect of his power. And such were his resources, and his personal character, that, if he had encountered on the side of Europe with an enemy less able than the Romans were to withstand his progress, it is probable that in his hands the empire of Pontus might have vied with that of the greatest conquerors.

About the time that the social war broke out in Italy, Cassius Longinus, Manius Aquilius, and C. Oppius were, in different characters, stationed in the province of Asia, and took under their protection every power in that country that was likely to oppose the progress of Mithridates.

Nicomedes, who had been recently restored to the crown of Bithynia, made hostile incursions under the encouragement of these Roman generals, even into the kingdom of Pontus. Mithridates, having made fruitless complaints to them on this

subject ; and thinking that the distracted state of Italy furnished him with a favorable opportunity to slight their resentment , he sent his son Ariarathes into Cappadocia with a force to expel Ariobarzanes , though an ally of the Romans , and to possess that kingdom. He took the field himself and sent powerful armies , under his generals , against Nicomedes , and against the Romans , who had assembled all the force of their province and of their allies , to the amount of a hundred and twenty thousand men , in different bodies , to defend their own frontier , or to annoy their enemy.

Mithridates fell separately upon the several divisions of his enemies' forces ; and having defeated Nicomedes , and afterwards Manius , obliged the Roman officers , with their ally , to retire ; Cassius to Apamea , Manius towards Rhodes , and Nicomedes to Pergamus. His fleet , likewise , consisting of three hundred gallies , opened the passage of the Hellespont , took all the ships which the Romans had stationed in those straits ; and he himself soon after in person traversed Phrygia and the Lesser Asia , to the sea of Cilicia and Greece. In all the cities of the Lesser Asia , where the People now openly declared their detestation of the Roman dominion , he was received with open gates. He got possession of the person of Oppius , by means of the inhabitants of Laodicea , where this general had taken refuge with a body of mercenaries. The mercenaries were allowed to disband ; but Oppius himself was conducted as a prisoner to the head-

BOOK quarters of Mithridates, and, in mockery of his
II. state as a Roman governor, was made to pass through the cities in his way, with his fasces or ensigns of magistracy carried before him.

Manius Aquilius likewise fell into the hands of the enemy, and was treated with similar scorn; and with a barbarity, which nothing but the most criminal abuse of the power he lately possessed, could have deserved or provoked. Being carried round the cities of Asia on an ass, he was obliged at every place to declare, that his own avarice was the cause of the war; and he was at last put to death by the pouring of melted gold into his throat.

While Mithridates thus overwhelmed his enemies, and was endeavouring to complete his conquest of Asia by the reduction of Rhodes, he ordered his general Archelaus to penetrate by the way of Thrace and Macedonia into Greece.

Such was the alarming state of the war when the Romans, having scarcely appeased the troubles in Italy, appointed L. Cornelius Sylla, with six legions that lay in Campania, to embark for Greece, in order, if possible, to stem a torrent which no ordinary bars were likely to withstand.

But before Sylla or his colleague could depart for their provinces, disorders arose in the city, which, without waiting the approach of foreign enemies, brought armies to battle in the streets, and covered the pavements of Rome with the slain.

Publius Sulpicius, Tribune of the People, with a singular boldness and profligacy, ventured to

tamper with the dangerous humors which were but ill suppressed in the event of the late troubles; and, as if the state had no experience of civil wars and domestic tumults, lighted the torch anew, and kindled the former animosity of the popular and Senatorian parties. The severe measures hitherto taken by the Senate and Magistrates against the authors of sedition had, in some instances, been effectual to snatch the republic out of the hands of lawless men, and to suspend for a while the ruin of the commonwealth; but the examples so given, instead of deterring others from a repetition of the same crimes, appear only to have admonished the factious leaders to take proper precautions, and to make the necessary preparations before they embarked in designs against the State. They accordingly improved and refined by degrees on the measures which they successively took against the Senate; and when the Tribune Sulpicius began to act, he made his arrangements equal to a system of formal war. This Tribune, according to Plutarch, had three thousand gladiators in his pay, and in despite of the law of Plautius, had ever at his back a numerous company of retainers, armed with daggers and other offensive weapons; these he called his *Anti-senate*; and retained to support him in an attempt, which he was at no pains to disguise, against the authority of the Senate itself. He moved the People to recal from exile all those who had fled from the city on occasion of the former disorders, and to admit the new citizens and enfranchised slaves to be enrolled promiscuously in

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II.

all the Tribes without regard to the late wise limitation of the Senate's decree, by which they were restricted to four. By the change which he now proposed, the citizens of least consideration might come to have a majority, or a great sway in the public deliberations. The Tribunes would become masters in every question, and fill up the rolls of the people in the manner that most suited their interest.

This presumptuous man himself undertook to procure the freedom of the city for every person that applied to him, and boldly received premiums in the streets for this prostitution of the privileges and powers of his fellow-citizens.

The more respectable citizens, and the magistrates, in vain withstood these abuses. They were overpowered by force, and frequently driven from the place of assembly. In this extremity they had recourse to superstition, and by multiplying holy-days, endeavoured to stop or to disconcert their antagonists. But Sulpicius, with his party, laid violent hands on the Consuls, in order to force them to recal these appointments. Young Pompey, the son of the present Consul, and son-in-law to Sylla, was killed in the fray. Sylla himself, who had withdrawn from the tumult, feeling that he was in the power of his enemies, and being impatient to get into a situation in which he could more effectually resist them, chose for the present to comply with their demands³.

³ Plutarch, in Mario, p. 526. edit. Londin. 4to.

In the midst of these violences, the city being under an actual usurpation or tyranny, Sylla repaired to the army in Campania, with a resolution to pursue the object of his command in Asia, and to leave the Tribunitian storms at Rome to spend their force. But soon after his departure, it appeared, that Marius was no stranger to the councils of Sulpicius; and that he hoped, by means of this Tribune, to gratify an ambition which outlived the vigor of his faculties and the strength of his body. His first object was to mortify his rival Sylla, in revoking, by a decree of the People, the appointment of the Senate, and to supersede him in the command of the army against Mithridates. A decree to this purpose was accordingly with ease obtained by Sulpicius, in one of those partial conventions, which took upon them to represent the People of Italy in the streets of Rome; and Marius, now appointed general of the army in Campania, sent the proper officers to intimate his appointment to Sylla, and to receive from him, in behalf of his successor, the charge of the army, and the delivery of the stores. Sylla had the address to make the troops apprehend that this change was equally prejudicial to them as to himself; that Marius had his favorite legions whom he would naturally employ; and that the same act of violence, by which he had supplanted the general, would bring other officers and other men to reap the fruits of this lucrative service in Asia. This persuasion, as well as the attachment which

BOOK II. the army already bore to their general, produced its effect⁴.

The officers, who intimated the appointment of Marius, on declaring their commission, found that violence could take place in the camp as well as in the city. Their orders were received with scorn. A tumult arose among the soldiers; and citizens vested with a public character, formally commissioned to intimate an order of the Roman People, and delivering their commands to this purpose, were slain in the camp. In return to this outrage some relations and friends of Sylla were murdered in the city, and such retaliations were not likely soon to end on either side⁵.

Faction is frequently blind, and does not see the use that may be made of its own violent precedents against itself. Although Sylla is said to have hesitated, yet he was not a person likely to shrink from the contest, in which his own enemies, and those of the State, had engaged him. Stung with rage, and probably thinking that force would be justified in snatching the republic out of such violent hands, he proposed to the army that they should march to Rome. The proposal was received with joy; and the army, without any of the scruples, or any degree of that hesitation which is ascribed to their commander in adopting this measure, followed where he thought proper to lead them.

⁴ Appian. de Bell. Civil. lib. ii.

⁵ Plutarch, in Mario, Edit. Lond. p. 526.

On this new and dangerous appearance of things, not only Marius and Sulpicius, with the persons most obnoxious on account of the insults offered to Sylla and other respectable citizens, were seized with consternation; but even the Senate and the Nobles were justly alarmed.

A faction, it is true, had assumed the authority of the Roman People, to violate the laws, and to overawe the State; but armies, it was thought, are dangerous tools in political contests; and no good intention on the part of their leaders, no magnanimity or moderation in the execution of their intentions, can compensate the ruinous tendency of a precedent which brings force to be employed as an ordinary resource in political divisions. Even the present state of the republic did not appear so desperate as to justify such a measure.

The Senate accordingly sent a deputation to Sylla with entreaties, and with commands, that he would not advance to the city. This deputation was received by him within a few miles of the gates. He heard the remonstrance that was made to him with patience, and seemed to be moved. He gave orders, in the hearing of the deputies, that the army should halt; sent the proper officers to mark out a camp, and suffered the commissioners to return to their employers, full of the persuasion that he was to comply with their request. But as soon as he thought this intelligence had reached the city, and had lulled his antagonists into a state of security, he sent a detachment close on the heels of the deputies, with orders to seize the

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nearest gate ; and he himself, with the whole army, speedily followed to support them.

The gate was accordingly seized. The People, in tumult, endeavoured to recover it ; Marius secured the Capitol, and summoned every man, whether freemen or slaves, to repair to his standard. His party, as they assembled, were drawn up in the streets. Sylla, in the mean time, at the head of his army, rushed through the gate, which his vanguard still maintained, against the multitudes by whom they were pressed. He was greatly annoyed from the battlements and windows as he passed, and might have been repulsed by the forces which Marius had assembled, if he had not commanded the city to be set on fire, in order to profit by the confusion into which the people were likely to be thrown in avoiding or extinguishing the flames. By this expedient he drove Marius from all the stations he had occupied, forced him to abandon the city, and obliged his adherents to separate.

While the army was distributed in different quarters of a city, deformed with recent marks of bloodshed and fire, their general assembled the Senate, and desired them to deliberate on the present state of affairs. Among the measures he suggested on this occasion, was a law by which Marius, with his son, and twelve of his faction, who had secreted themselves, were declared enemies of their country. This sentence was accompanied with a public injunction to seize or kill them wherever they could be found. The reasons upon which this act of attainder was granted were, that they had
violated

violated the laws of the republic, and seduced the
 slaves to desert from their masters, and to take
 arms against the State⁶.

C H A P.
 VII.

While the officers of justice were dispersed in execution of this decree, and many others were busy in search of their private enemies, thus laid at their mercy, the Tribune Sulpicius, having fled to the marshes on the coast near Laurentum, was dragged from thence and slain. His head, severed from the body, as that of a traitor, who had surpassed every leader of faction in the outrages done to the laws and the government of his country, was exposed on one of the rostra; an example afterwards frequently imitated, and which, though it could not make any addition to the evil of the times, became an additional expression of the animosity and rancor of parties against each other⁷.

Marius, upon his expulsion from Rome, retired to his own villa at Salonium; and, being unprovided for a longer flight, sent his son to the farm of one Mutius, a friend in the neighbourhood, to procure what might be necessary for a voyage by sea. The young man was discovered at this place, and narrowly escaped in a waggon loaded with straw, which, the better to deceive his pursuers,

⁶ Appian. de Bell. Civil. lib. i. p. 387. The names mentioned in this act of attainder or outlawry, were Sulpicius, Marius' father and son, P. Cethegus, Junius Brutus, Cneius and Pub. Granius, Albinovanus, Marcus Suetonius.

⁷ Velleius Paterculus, lib. ii. c. 19.

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II.

was ordered to take the road to Rome. The father fled to Ostia, and there embarked on board a vessel which was provided for him by Numerius, who had been one of his partisans in the late troubles. Having put to sea, he was forced by stress of weather to Circeii, there landed in want of every necessary, and made himself known to some herdsmen, of whom he implored relief. Being informed of the parties that were abroad in pursuit of him, he concealed himself for the night in a neighbouring wood. Next day, as he was within a few miles of the town of Minturnæ, he was alarmed at the sight of some horsemen, ran with all the speed he could make to the shore, and, with much difficulty, got on board of a boat which was passing. The persons with whom he thus took refuge resisted the threats and importunities of the pursuers to have him delivered up to them, or thrown into the sea; but having rowed him to a supposed place of safety, at the mouth of the Liris, they put him on shore, and left him to his fate. Here he first took refuge in a cottage, afterwards under a hollow bank of the river, and, last of all, on hearing the tread of the horsemen, who still pursued him, he plunged himself to the chin in the marsh; but, though concealed by the reeds and the depth of the water, he was discovered and dragged from thence all covered with mud. He was carried to Minturnæ, and doomed by the magistrates of the place to suffer the execution of the sentence which had been denounced against himself and his partisans at Rome. He was, however, by some connivance,

allowed to escape from hence, again put to sea, and, at the island Ænaria, joined some associates of his flight. Being afterwards obliged to land in Sicily for a supply of water, and being known, he narrowly escaped with the loss of some of the crew that navigated his vessel. From thence he arrived on the coast of Africa; but, being forbid the province by the Prætor Sextilius, continued to shift his abode among the islands or places of retirement on the coast^a.

Marius was in his seventieth year when he made this attempt to overturn the Roman republic by means of popular tumults, and when he strove to obtain the command of an army in the busiest and most arduous service which the Roman empire had then to offer. Being forced, by his miscarriage in this attempt, into the state of an outlaw, he still amused the world with adventures and escapes, which historians record with the embellishments of a picturesque and even romantic description. A Gaulish or German soldier, who was employed at Minturnæ to put him to death, overawed by his aspect, recoiled from the task; and the people of the place, as if moved by the miracle, concurred in aiding his escape^b. The presence of such an exile on the ground where Carthage had stood, was supposed to increase the majesty and the melancholy of the scene. "Go," he said to the Lictor who brought him the orders of the Prætor

^a Plutarch, in Mario, edit. Lond. p. 534.

^b Velleius Pater. lib. ii. c. 19.

B O O K II. to depart, "tell him that you have seen Marius
"sitting on the ruins of Carthage"¹⁰. "

The Senate, thus restored to its authority, and, by the suppression of the late sedition, masters of the city, took the proper measures to prevent, for the future, such violations of order introduced for popular government. They resolved that no question of legislation should be agitated in the assembly of the Tribes¹¹; and Sylla, before he left the city, thought proper to dispatch the election of Consuls for the following year, but did not employ the power, which he now possessed, to make the choice fall on persons who were both of the senatorian party. Together with Octavius, who had the authority of the Senate at heart, he suffered Cinna, though of the opposite faction, to be chosen, and only exacted a promise from him not to disturb the public peace, nor, in his absence, to attempt any thing derogatory of his own honor¹².

Having in this manner restored the commonwealth, Sylla set out with his army for their destination in Greece. Quintus Rufus, the other Consul of the preceding year, at the same time repaired to his province in the country of the Marfi, where, as has been mentioned, he was to succeed Cn. Strabo in the command of some legions; but being less agreeable to these troops than his

¹⁰ Plutarch, in Mario.

¹¹ Appian. de Bell. Civil. lib. i.

¹² L. Florus, lib. iii. c. 21. Appian. de Bell. Civil. lib. i.

predecessor, the soldiers mutinied upon his arrival, and put him to death. Cn. Strabo, though suspected of having connived with them in this horrid transaction, was permitted to profit by it in keeping his station. So quick was the succession of crimes which distressed the republic, that one disorder escaped with impunity, under the more atrocious effects of another which followed it.

C H A P.
VII.

When Sylla was about to depart from the city, Virgilius, one of the Tribunes, moved an impeachment against him for the illegal steps he had lately taken. But the state of the war with Mithridates was urgent, and Sylla took the benefit of the law of Memmius, by which persons named to command had a privilege to decline answering any charge which should be brought against them, when going on the service to which they were appointed.

U. C. 666.
L. Corn Cinna,
Cn. Octavius,
Coss.

The king of Pontus, notwithstanding he had been disappointed in his attempt upon Rhodes, was become master of the Lesser Asia, had fixed his residence at Pergamus, and employed his officers, with numerous fleets and armies, to carry on the war in different quarters, making rapid acquisitions at once on the side of the Scythian and Thracian Bosphorus in Macedonia and in Greece. His general, Archelaus, had reduced most of the Greek islands, and was hastening to make himself master of the Grecian continent. Delos had revolted, and thrown off the yoke of Athens, at the time that it fell into the hands of this general. The king proposed to make use of it as a decoy

BOOK to bring the Athenians themselves under his power,
II. For this purpose he pretended a desire to restore the island, with the treasure he had seized there, to its former masters; and sent Aristion, a native of Athens, but now an officer in his own service, with an escort of two thousand men, to deliver this treasure into their hands. Aristion being, under this pretence, received into the Pyræus, continued to hold this place, with the city of Athens itself, for Mithridates, and, by means of the forces he assembled in Attica, soon after over-ran Bœotia, Achaia, and Laconia.

To these powerful encroachments on the Roman territory, and to the personal injuries done to such of their generals as had fallen into his hands, Mithridates had joined a barbarous outrage, that roused, in the highest degree, the resentment of the Roman People. He had sent orders to all his commanders in every town and station in Asia, on a day fixed, to begin a massacre of the Roman citizens that were any where settled in that country, and to publish a reward for the slaves of any Roman who should succeed in destroying their master. This order was executed with marks of insult, in which the instruments of cruelty are often apt to exceed their institutions. It is particularly mentioned, that at Ephesus, Pergamus, and other cities of Asia, entire families, taking refuge in the temples, and embracing the altars, infants with their parents, and without distinction of sex or age, were dragged from thence and murdered. The number of persons that perished

in this massacre, if ever known, is no where mentioned ¹³. CHAP. VII.

The resentment which was natural on this occasion, together with the real danger that threatened the empire, fully justified the contempt with which Sylla treated the impeachment of Virgilius, and the celerity with which he left the city of Rome. Having transported to Dyrachium an army of six legions, he took the route of Theffaly and Ætolia; and having raised in these countries contributions for the pay and subsistence of his army, he received the submission of the Bœotians, who had lately been obliged to declare for Mithridates, and advanced to Athens, where Aristion in the city, and Archelaus in the Pyræus, were prepared to make a vigorous resistance. Mithridates, who was master of the sea, collected together all the troops which he had distributed in the islands, and ordered a great reinforcement from Asia to form an army on the side of Bœotia for the relief of Athens.

Sylla, to prevent the enemy, hastened the siege of this place. He first made an attempt to force his way into the Pyræus by scaling the walls; but being repulsed, had recourse to the ordinary means of attack. He erected towers, and raising them to the height of the battlements, got upon the same level with the besieged, and plied his missiles from thence. He shook the walls with battering engines, or undermined them with galleries,

¹³ Appian. de Bell. Mithrid. p. 585, 586.

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II.

and made places of arms for his men, near to where he expected to open a breach. But the defence of the place was vigorous and obstinate, and so well conducted, that he was obliged, after many fruitless efforts, to turn the siege into a blockade, and to await the effects of famine, by which the city began already to be pressed.

It was in a little time brought to the last extremity. Those who were confined within the walls had consumed all the herbage, and killed all the animals that were to be found in the place; they were reduced to feed on the implements of leather, or other materials that could be turned into sustenance, and came at last to prey upon the carcases of the dead. The garrison was greatly diminished in numbers; and of those who remained, the greater part was dispirited and weak: but Aristion, expecting for himself no quarter from the Roman general, still showed no desire to capitulate; when Sylla, knowing the weak state to which the besieged were reduced, made a vigorous effort, stormed and forced the walls with great slaughter. Aristion, who had retired into the Acropolis, was soon afterwards taken and slain.

Archelaus, likewise greatly distressed in the Pyræus, found means to escape by water, and hastened to join the army that was forming on the side of Thessaly; leaving the post he abandoned to fall into the hands of Sylla, who rased its fortifications to the ground.

The army of Mithridates advanced into Bœotia.

Every part of it was sumptuously provided with all that was necessary for subsistence or parade. There was a numerous cavalry richly caparisoned; an Infantry of every description, variously armed, some to use missile weapons, others to engage in close fight; a large train of armed chariots, which, being winged with scythes, threatened to sweep the plains. The whole army amounted to about a hundred and twenty thousand men. But their master, with all his ability, it appears, relied, in the manner of barbarous nations, more on their numbers than he did on their order, or on the conduct of their officers. Sylla was to oppose them with thirty thousand men.

On this inferior enemy Archelaus continually pressed with all his forces, and endeavoured to bring on a general action, which Sylla cautiously avoided; waiting for an opportunity that might deprive the enemy of the advantage they had in the superiority of their numbers. The armies being both in Bœotia, Archelaus inadvertently took post near Chæronea, on the ascent of a steep hill that was formed into terraces by ledges of rocks, and which terminated at last in a peak or narrow summit. On the face of this hill he had crowded his infantry, his cavalry, and his chariots, and trusted that, although the ground was unfavorable to such an army, it was still inaccessible, and could not be reached by an enemy.

While Archelaus believed himself secure in this position, Sylla continued to observe him from the post he had fortified at a little distance; and was

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told by some natives of the country, that the hill which the enemy had occupied might be ascended in their rear, and that any part of his army might be safely conducted to the summit. Upon this information he made a disposition to engage, placed his main body against the enemy in front, and, that he might throw them into confusion by a double attack, sent a powerful detachment, with proper guides, to seize on the heights above their encampment.

The unexpected appearance of Sylla's detachment in the rear produced the alarm that was intended. Their impetuous descent from the hill drove in confusion all who came in their way from thence to the camp. The rear fell down on the front. A great uproar and tumult arose in every part. And in this critical moment Sylla began his attack, and broke into the midst of enemies, who were altogether unprepared to receive him. They were crowded in a narrow space, and mixed without any distinction of separate bodies of officers or men; and, under the disadvantage of their ground, could neither resist nor retire. In the centre, numbers being trod under foot by those who crowded around them, perished by violence or suffocation; or, while they endeavoured to open a way to escape, were slain by each others swords. Of a hundred and twenty thousand men, scarcely ten thousand could be assembled at Chalcis in Eubœa, the place to which Archelaus directed his flight. Of the Romans, at the end of the action,

only fifteen men were missing, and of these two returned on the following day ¹⁴.

CHAP.
VII.

Archelaus, even after this rout of his army, being still master at sea, drew supplies from Asia and from the neighbouring islands; and, being secure in his retreat in Eubœa, made frequent descents on the neighbouring coasts. While Sylla endeavoured to cover the lands of Bœotia and Attica from these incursions, Mithridates made great efforts to replace his army in that country; and in a little time had transported thither eighty thousand fresh troops under Dorilaus, to whom Archelaus joined himself with those he had saved from the late disaster. The new army of Mithridates, consisting chiefly of cavalry, was greatly favored by the nature of the ground in Bœotia, which was flat and abounding in forage. Sylla, though inclined to keep the heights on which he was least exposed to the enemy's cavalry, was obliged, in order to cover the country from which he drew his subsistence and forage, to descend to the plains in the neighbourhood of Orchomenos. There he took post among the marshes, and endeavoured to fortify himself with deep ditches against the enemy's horse. While his works were yet unfinished, being attacked by the Asiatic cavalry, not only the laborers, but the troops that were placed under arms to cover the workmen, were seized with a panic, and fled. Sylla, having for some time in vain endeavoured to rally them, laid hold of an ensign, and rushed

¹⁴ For this fact Plutarch quotes the Memoirs of Sylla.

BOOK II. in despair on the enemy. "To me," he said, "it is glorious to fall in this place: but for you, if you are asked where you deserted your leader, you may say at Orchomenos." Numbers who heard this reproach returned to the charge with their general; and wherever they presented themselves, stopped the career of the enemy, and put them to flight. The Roman army at length recovered itself in every part of the field; and Sylla, remounting his horse, took the full advantage of the change of his fortune, pursued the enemy to their camp, and forced them to abandon it with great slaughter.

After the loss of this second army, Mithridates appears to have despaired of his affairs in Greece: he suffered Sylla to enter into quiet possession of his winter quarters in Thessaly, and authorized Arche-laüs to treat of peace.

Both parties were equally inclined to a treaty; the king of Pontus urged by his losses, and the Roman Proconsul by the state of affairs in Italy. Sylla, though commanding in Greece by authority from the Roman Senate, had been degraded, and declared a public enemy by a resolution of the People at Rome. An officer had been sent from Italy to supercede him; and a Roman army, independent of his orders, was actually employed in the province. Mithridates too, while he had sustained such losses in Greece, was pressed by the other Roman army in Asia, under the command of Fimbria, who, with intentions equally hostile to Sylla as to Mithridates, advanced with a rapid pace,

reduced several towns on the coast, and had lately made himself master of Pergamus, where the king himself had narrowly escaped falling into his hands. In these circumstances a treaty was equally seasonable for both.

Sylla had been absent from Rome about two years, during which time, having no supplies from thence, he had supported the war by the contributions which he had raised in Greece, Ætolia, and Thessaly, and with the money he had coined from the plate and treasure of the Grecian temples¹⁵. The republic, in the mean time, had been in the possession of his enemies, and the authority of the Senate was, in a great measure, suppressed. Soon after he left the city, Cinna, notwithstanding his engagements to Sylla, revived the project of keeping the more respectable citizens in subjection, under pretence of a government placed in the hands of the People.

The designation of the popular party was the same with that which had distinguished the followers of Tiberius and Caius Gracchus; but the object was changed, and the nominal popular faction itself was differently composed. Formerly this faction consisted of the populace of Rome and of the poorer citizens, opposed to the noble and the rich. The objects for which they at that time contended, were the distribution of corn, new settlements, or the division of lands. At present the parties consisted of the inhabitants of the country-towns

¹⁵ Plutarch, in Sylla & Lucullo.

B O O K lately admitted, or still claiming to be admitted,
II. on the rolls of the People on one side, and of the Senate and ancient citizens on the other. The object to which the former aspired, was a full and equal participation in all the powers that belonged to the Roman People. They were far from being satisfied with the manner of their enrolment into a few particular Tribes, and laid claim to be admitted without distinction among the ancient citizens, and to have consideration and power proportioned to their numbers. In this they were supported by Cinna, who made a motion in their favor in the assembly of the People, and at the same time proposed to recal Marius and the other exiles of that party from their banishment. The Consul Octavius, with the majority of the Senate and ancient citizens, opposed these propositions; but Cinna was likely to have a powerful support in the new people that flocked to him from the country-towns, and in the friends of the exiles. On the day of assembly, multitudes of the new citizens took possession of the place of meeting, and were observed to be armed with daggers or short swords. Octavius was attended at his house by a numerous assembly of the ancient citizens, who were armed in the same manner, and waited to take such measures as the necessity of the case might require. Being told that the Tribunes who had forbidden the question were violently attacked, and likely to be forced from the assembly, they came forth into the streets, and drove their antagonists, with some bloodshed, through the gates of

the city. Cinna endeavoured to make head against his colleague, and invited the slaves, under a promise of liberty, to his standard. But finding it impossible within the city, that was occupied by his opponents, to withstand their force, he withdrew to the country-towns, and solicited supplies from thence. He passed through Tibur and Præneste to Nola, and openly implored the inhabitants to aid him against their common enemies. On this occasion he was attended by Sertorius, and by some other Senators who had embarked in the same ruinous faction. Their solicitations at any other time might perhaps have been fruitless; but now, to the misfortune of the republic, a number of armies were still kept on foot in Italy, to finish the remains of the social war. Cn. Strabo commanded one army in Umbria, Metellus another on the confines of Lucania and Samnium, and Appius Claudius a third in Campania. These armies consisted chiefly of indigent citizens, become soldiers of fortune, were very much at the disposal of their leaders, in whose name they had been levied, to whom they had sworn the military oath, and on whom they depended for the settlements and rewards which they were taught to expect at the end of their services. They were inclined to take part in the cause of any faction that was likely by the expulsion and forfeiture of one part of the city, to make way for preferments and fortunes to the other.

Cinna distrusted Pompey and Metellus; but hoping for a better reception from Appius Claudius,

BOOK he repaired to the camp of this general, and had
II. the address to gain the troops who were under
 his command.

Octavius
 and Merula.

Mean time the Senate, without entering into any particular discussion of the guilt which Cinna had incurred in the late tumult at Rome, found that, by having deserted his station, he had actually divested himself of his office as Consul, and they obtained the election of L. Cornelius Merula in his place.

Marius, being informed that one of the armies in Italy, with a Roman Consul at its head, was prepared to support him, made haste from his exile in Africa: he landed in Tuscany, was joined by numbers, and had an offer of being vested with the ensigns of Proconsul. But intending to move indignation or pity, he declined every privilege of a Roman citizen, until the sentence of attainer or banishment, which had been pronounced against him, should be reversed. In the manner practised by suppliants, with a mean habit and ghastly figure, to which he was reduced by the distress of his exile, he presented himself to the People; but with a countenance, says his historian, which, being naturally stern, now rather seemed terrible than piteous¹⁶. He implored the protection of the country-towns, in whose cause he too pretended to have suffered, and whose interests were now embarked on the same bottom with his own. He had many partisans among those who

¹⁶ Plutarch, in Mario.

had

had composed the legions which formerly served under his orders. He had reputation and authority, and soon assembled a considerable force, with which, in concert with Cinna, with Sertorius and Carbo, he advanced towards Rome.

They invested the city in three separate divisions. Cinna and Carbo lay before it, Sertorius took post on the river above, and Marius below it. The last, to prevent supplies from the sea, made himself master of the port of Ostia; the first had sent a detachment to Ariminum, to prevent any relief from the side of Gaul.

In this extremity the Senate applied to Metellus, requesting that he would make any accommodation with the Italian allies, and hasten to the relief of the city. The delays which he made in the execution of these orders, enabled Cinna and Marius to prevent him in gaining the allies. The inhabitants of Italy at this time had it in their option to accept the privileges they claimed from either party; and, having chosen to join themselves with the popular faction, they threw their weight into that scale.

Metellus, however, advanced into Latium; and, being joined by the Consul Octavius, took post on the Alban Hill. Here they found that the troops, being inclined to favor their enemies, deserted apace. Metellus, being reduced to a few attendants, despaired of the cause, and withdrew into Africa. Octavius returned to his station in the city.

BOOK The army lately commanded by Pompeius
II. Strabo, was now deprived of its general; he having been killed by lightning in his camp. And the Senate was not inclined to repose any confidence in his men. He himself had some time hesitated between the parties; and the troops, at his death, were prepared to choose the side which was most likely to favor their interest. With so uncertain a prospect of support, the Senate thought it safer to enter into a treaty with Cinna and Marius, than to remain exposed to the necessity of being obliged to admit them by force. They offered to reinstate Cinna in the office of Consul, and to restore Marius, with the other exiles, to their condition of Roman citizens; only stipulating that they would spare the blood of their opponents, or proceed against them according to the laws of the commonwealth. While this treaty was in dependence, Marius, affecting the modesty of a person whom the law, according to his late sentence of banishment, had disqualified to take any part among citizens, observed a fullen and obstinate silence. Even when the treaty was concluded, and the gates were laid open to himself and his followers, he refused to enter until the attainder under which he laid should be taken off, and until he was replaced in his condition as a Roman. The People were accordingly assembled to repeal their former decree. But Marius, proposing to take his enemies by surprise, did not wait for the completion of the ceremony. While the ballots were collecting, he entered the city with a band of armed

men, whom he employed in taking vengeance on all those who had concurred in the late measures against him. The gates, by his orders, were secured, but most of the Senators escaped. Sylla's house was demolished, many who were reputed his friends were slain, others assisted his wife and his children in making their escape. Among the signals by which Marius directed the execution of particular persons, it was understood that if he did not return a salute which was offered him, this was to be considered as a warrant for immediate death. In compliance with these instructions, some citizens of note were laid dead at his feet. And as the meanest retainers of his party had their resentments as well as himself, and took this opportunity to indulge their passions, the city resembled a place that was taken by storm, and every quarter resounded with the cries of robbery, murders, and rapes. This horrid scene continued without intermission five days and five nights.

The following are the names of a few of the principal Senators who suffered: the Consul Octavius was murdered in his robes of office, and in presence of his lictors; two Senators of the name of Cæsar, Caius and Lucius; two of the name of Crassus, the father and the son, who, attempting to escape, but likely to be taken, fell by their own hands; Attilius Serranus, Publius Lentulus, C. Numitorius, M. Bæbius, whose bodies, fastened on a hook, were dragged by a rope through the streets; Marcus Antonius, one of the first Roman Senators, who had betaken himself entirely or chiefly to civil

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arts, and is known therefore by the name of the Orator; this Senator being discovered in a place of concealment, was killed by assassins sent for the purpose. The heads of the others were exposed on the rostra; that of Antonius was placed on the table of Marius, who bore him, it seems, a peculiar degree of animosity and rancor. Catulus, once the colleague of Marius in the Consulate, partner in his last and most decisive victory over the Cimbri, and without question one of the most respectable Senators of the age, was included in the warrant for general execution. Marius being solicited in his favor, made answer, *He must die*. And this victim, choosing to avoid by a voluntary death the insults likely to be offered to him by his enemies, having shut himself up, with a brasier of burning coals, in a close chamber which was recently plaistered, perished by suffocation.

Merula, the Flamen Dialis, whose name, without his own knowledge, had been inscribed Consul in place of that of Cinna, now likewise, willing to maintain the dignity of his station, opened his arteries at the shrine of Jupiter, whose priest he was, sprinkled the statue of the god with his blood; on feeling the approach of death, he tore from his head the apex or crest of the order, which, by the maxims of religion, he always carried while alive, but with which on his head it would have been impious and ominous to die, and took those who were present to witness of the exactness with which he performed this duty.

Cinna himself became weary of the murders

which were committed to gratify the avarice of mean and needy adventurers, or the rancor even of fugitive slaves against the masters they had deserted; he wished to terminate so horrid a scene, but it seems could not stop it otherwise than by the death of those who were employed in it. He caused great numbers of them accordingly to be surrounded and put to the sword. He proposed, in concert with Marius, to give some form or title to their government, by assuming the Consulate: and although there is no doubt that they could have easily obtained the sanction of an ordinary election, yet they chose to usurp the ensigns and powers of Consul without any such pretence¹⁷. Marius, while he took the title of Consul, continued to act like a chief of banditti, connived at the disorders that were committed by his military retainers, and continued still to superintend the execution of the orders which he had given on his first entry into the city, to put his opponents to death.

In the midst of these crimes, however, the name of Sylla, and the fame of his victories in Greece, gave continual presage of a just retribution. Marius was agitated with nocturnal fears, and gave signs of a distracted mind. Some one, he imagined, in the words of a poet, continually sounded in his ears, *Horrid is the dying lion's den*; which being applied to himself, seemed to announce his approaching dissolution. He took to the excessive use of wine, contracted a pleurisy, and died on the

¹⁷ Livy, Epitome, lib. viii.

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II.

seventh day of his illness, in the seventeenth day of his last or seventh Consulship, and in the seventieth year of his age; leaving the tools he had employed in subverting the government of his country, to pay the forfeit of his crimes.

Livy, it appears¹⁸, had made it a question, whether Marius had been most useful to his country as a soldier, or pernicious as a citizen. It has happened unfortunately for his fame, that he closed the scene of life with examples of the latter kind. In what degree he retained his genius or abilities cannot be known. His insatiable thirst of power, like avarice in the case of other persons, seemed to grow with age. His hatred of the Nobles, contracted in the obscurity of his early life, remained with him after he himself had laid the amplest foundations of Nobility in his own family. And he died in an attempt to extinguish all just or regular government in the blood of those who only were qualified or disposed to sustain it.

Upon the death of Marius, the government still continued to be usurped by Cinna. Many of the Senators, and other citizens, obnoxious to the prevailing party, took refuge with Sylla. This general himself was declared a public enemy; his effects were seized; his children, with their mother, having narrowly escaped the pursuit of his enemies, fled to the father in Greece.

¹⁸ Livy, Epitome, lib. viii. Appian. de Bell. Civil. lib. i. Plutarch, in Mario. Florus, lib. iii. c. 21. Velleius Pater, lib. ii. c. 19, &c. Dio Cass. in Fragmentis.

Upon this occasion Sylla did not change his conduct in the war, nor make any concessions to the enemies of the State. He talked familiarly every day of his intention to punish his enemies at Rome, and to avenge the blood of his friends, but not till he had forced Mithridates to make reparation for the wrongs he had done to the Romans and to their allies in Asia.

Alarmed by these threats, Cinna took measures to strengthen his party; assumed, upon the death of Marius, Valerius Flaccus as his colleague in the office of Consul; and, having assigned him the command in Asia, with two additional legions, trusted that with this force he might obtain possession of the Province.

But Flaccus, upon his arrival in Thessaly, was deserted by part of the army, which went over to Sylla; and passing through Macedonia in his route to Asia with the remainder, a dispute arose between himself and his lieutenant Fimbria, which ended in the murder of the Consul Flaccus, and in the succession of Fimbria to the command. So little deference or respect did citizens pay, in the disorder of those unhappy times, even to the government they professed to serve.

Fimbria, with the troops he had seduced to his standard, after he had assassinated their general, made a rapid progress in Asia, and hastened, as has been observed, the resolution to which Mithridates was come, of applying for peace. To this crafty prince, urged by the necessity of his own affairs, the conjuncture appeared to be favorable,

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when so much distraction took place in the councils of Rome. He had experienced the abilities of Sylla; he knew his eager desire to be gone for Italy, and to be revenged of his enemies; and he expected to gain him by proffering assistance in the war he was about to wage with the opposite party at Rome.

Upon a message from Archelaus, Sylla readily agreed to an interview in the island of Delos; and here being told, in the name of Mithridates, that he should have money, troops, and shipping to make a descent on Italy, provided he would enter into a confederacy with the king of Pontus, and make war on the Romans, by whom he was now proscribed, Sylla, in his turn, proposed to Archelaus to desert Mithridates, to deliver up the fleet and the army which was under his command, and to rely for protection and reward on the faith of the Romans. They will speedily seat you, he said, on the throne of Pontus. Archelaus having rejected this proposal with horror, "And you," says Sylla, "the slave, or (if you prefer that title) the friend of a barbarous tyrant, will not betray your trust, and yet to me have the presumption to propose an act of perfidy. The fields of Chæronea and Orchomenos should have made you better acquainted with the character of the Romans."

Upon this reply Archelaus saw the necessity of purchasing the treaty he was instructed to make, and accordingly made the following concessions:

That the fleet of Pontus, consisting of seventy Galleys, should be delivered up to the Romans.

That the garrisons should be withdrawn from all places which had been seized in the course of this war.

That the Roman province in Asia, together with Paphlagonia, Bithynia, and Cappadocia should be evacuated, and the frontier of Pontus, for the future, be the boundary of Mithridates' territory.

That the Romans should receive two thousand talents¹⁹, to reimburse their expense in the war.

That prisoners should be restored, and all deserters delivered up.

While these articles were sent to Mithridates for his ratification, Sylla in no degree relaxed the measures he had taken to secure and facilitate the passage of his army into Asia. He sent Lucullus²⁰ round the maritime powers of the East to assemble a fleet; and, after having made some incursions into Thrace, to gratify his army with the spoil of nations who had often plundered the Roman province, he continued his route to the Hellespont, and was met in his way by the messengers of Mithridates, who informed him that their master agreed to all the articles proposed, except to that which related to the cession of Paphlagonia; and

¹⁹ About 386,000 l.

²⁰ Vide Plutarch, in Lucullo.

BOOK II. at the same time made a merit of the preference he had given to Sylla in this treaty ; as he might have obtained more favorable terms from Fimbria. " That is a traitor," said Sylla, " whom " I shall speedily punish for his crimes. As for " your master, I shall know, upon my arrival " in Asia, whether he chooses to have peace or " war."

Being arrived at the Hellespont, he was joined by Lucullus with a fleet which enabled him to pass that strait. Here he was met by another message from Mithridates, desiring a personal interview; which was accordingly held in the presence of both armies, and at which the king of Pontus, after some expostulations, agreed to all the conditions already mentioned. In this he probably acted from policy, as well as from the necessity he felt in the present state of his affairs. He still hoped, in consequence of this treaty, to turn the arms of Sylla against the Romans, and trusted that the peace he obtained for himself in Asia was to be the beginning of a war in Italy, more likely to distress his enemies than any efforts he himself could make against them. With this treasonable prospect he retired into his own kingdom of Pontus; and there, strengthening himself by alliances and the acquisition of territory on the northern coasts of the Euxine, he prepared to take advantage of future emergencies, and to profit by the state of confusion into which the affairs of the Romans were hastening.

Sylla having brought the Mithridatic war to an

issue so honorable for himself, and having every where gratified his army with the spoils of their enemies, being possessed of a considerable sum of money and a numerous fleet, and being secure of the attachment of the soldiers, who had experienced his liberality, and rested their hopes of fortune on the success of his future enterprises, prepared to take vengeance on his enemies, and those of the republic in Italy. He proceeded, however, with great deliberation and caution; and, as if the State at Rome were in perfect tranquillity, staid to reduce the army of Fimbria, to resettle the Roman province, and to effect the restoration of the allies, Nicomedes and Ariobarzanes, to their several kingdoms of Cappadocia and Bithynia.

Fimbria being required by Sylla to resign a command which he had illegally usurped, retorted the charge of usurpation, and treated Sylla himself as an outlaw: but upon the approach of this general, being deserted by his army, he fled to Pergamus, and there put an end to his life by the hands of a slave, of whom he exacted this service. To punish the province of Asia for its defection to Mithridates, Sylla obliged the inhabitants to pay down a sum equal to five years ordinary tax. He sent Curio to replace on their thrones the kings of Cappadocia and Bithynia, who had persevered in their alliance with Rome, and sent an account of these particulars to the Senate, without taking any notice of the edict by which he himself had been stripped of his command, and declared an enemy²¹.

²¹ Appian. in Bell. Mithridat. Plutarch, in Syll.

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U. C. 669.
L. Corneli-
us Cinna
4to, Cn.
Papirius
Carbo.

Before he set sail, however, for Italy, he thought proper to transmit to Rome a memorial, setting forth his services and his wrongs, as well as the injury done to many Senators who had taken refuge in his camp, and concluding with menaces of justice against his own enemies and those of the republic, but assuring the citizens in general of protection and security. This paper being read in the Senate, struck many of the members with dreadful apprehensions; expedients were proposed to reconcile the parties, and to avert the evils which the republic must suffer from their repeated contentions. A message was sent to pacify Sylla, and earnest entreaties were made to Cinna, that he would suspend his levies until an answer could be obtained from the other. But Cinna, in contempt of these pacific intentions, took measures to prosecute the war; divided the fasces with Cn. Papirius Carbo, whom, without any form of election, he assumed for his colleague in the Consulate; and, in the partition of provinces, retained for himself the administration in Italy, while he assigned to Carbo the command in the neighbouring Gaul. These titular magistrates, with all the adherents of their faction, applied in great haste to the raising of men, and securing the fidelity of the towns within the several divisions which they had received in charge.

Carbo exacted hostages for their good behaviour from all the towns in his district; but as he had not authority from the Senate for this measure, he found himself unable to give it effect. To

Castricius, the chief magistrate of Placentia, a person of great age, who refused to comply, he said, "Have not I your life in my power?" "And have not I," said the other, "already lived long enough?"

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Cinna, however, having mustered a considerable force, intended to make head against Sylla in Thessaly, through which he was expected to pass in his way to Italy, and determined to transport his army thither. But the troops being averse to embark, he himself, endeavouring to force them, was killed in a mutiny. A general disorder and anarchy infected the whole party. The election of a successor to Cinna was twice interrupted by supposed unfavorable presages, and Carbo remained sole Consul.

At this time an answer arrived from Sylla to the proposals made by the Senate towards a reconciliation of parties; in which he declared, "That he never could return into friendship with persons guilty of so many and such enormous crimes. If the Roman People, however, were pleased to grant an indemnity, he should not interpose, but would venture to affirm, that such of the citizens as chose, in the present disorders, to take refuge in his camp, would find themselves safer than in that of his enemy's." He had embarked his army at Ephesus, and in three days reached the Pyræus, the port of Athens. Here he was taken ill of the gout, and was advised to use

²² Val. Max. lib. vi. c. 2.

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the hot baths at Adipfus; at which he accordingly passed some time with great appearance of ease, amusing himself with buffoons and ordinary company, as if he had no affair of any consequence in contemplation. His fleet, in the mean time, consisting of twelve hundred ships, coasted round the Peloponnesus, and took on board the army which had marched by Thessaly to Dyrachium. Being apprehensive that some part of the legions, upon landing in Italy, and with so near a prospect of returning to their homes, might desert, or, trusting to their consequence in a civil war, might become disorderly and distress the inhabitants, he exacted a special oath, by which every man bound himself, upon his arrival in Italy, to abide by his colors, and to observe the strictest order in his march through the country. The troops, wishing to remove all the remains of a distrust which had suggested this precaution, made a voluntary offer of a contribution towards the support of the war; and Sylla, without accepting the favor, set sail with the additional confidence which this proof of attachment in the army inspired.

He had, according to Appian, five Roman legions, with six thousand Italian horse, and considerable levies from Macedonia and Greece, amounting in all to about sixty thousand men. With this force he landed in Italy, in the face of many different armies, each of them equal or superior in number to his own. The opposite party were supposed to have on foot, at different stations, above two hundred thousand men.

L. Cornelius Scipio and C. Junius Norbanus, who were its leaders, being in possession of the capital and of the place of election, were named for Consuls. Norbanus, in name of the republic, commanded a great army in Apulia; Scipio, another on the confines of Campania. Sertorius, young Marius, with Carbo, in the quality of Proconsul, and others (as Plutarch quotes from the memoirs of Sylla) to the number of fifteen commanders, had each their armies, amounting in all to four hundred and fifty cohorts²³; of these different bodies none attempted to dispute the landing of Sylla, nor, for some days, to interrupt his march. He accordingly continued to advance as in a friendly country, and in the midst of profound peace. The inhabitants of Italy, considering the Roman nobility, in whose cause Sylla appeared, as averse to the claim they had made of being promiscuously enrolled in the Tribes of Rome, were likely to oppose him, and to favor the faction which had for some time prevailed in the State. To allay their animosity, or to prevent their taking an active part against him, Sylla summoned the leading men of the country - towns as he passed, and gave them assurances that he would confirm the grants which had been made to them, if they did not forfeit these and every other title to favor, by abetting the faction which had subverted the government.

On his march he was joined by Metellus Pius, who, as has been observed, after a fruitless attempt,

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VII.

U. C. 670.

L. Corn.
Scipio, C.
Jun. Nor-
banus.

²³ About 225,000 men.

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in conjunction with the Consul Octavius, to cover Rome from the attack of Marius and Cinna, had withdrawn to Africa; and being forced from thence by Fabius, returned into Italy. Being in Liguria, where he still retained the character of Proconsul, he endeavoured to keep some forces on foot, and to sustain the hopes of his party, when so great a change was made in their favor by the arrival of the army from Greece.

Sylla was likewise, about the same time, joined by Cneius Pompeius, son to the late Consul, Pompeius Strabo, who, though too young for any public character, had assembled a considerable body of men to make himself of consequence in the present contest. Being now only about nineteen years of age, he was remarked for engaging manners, and a manly aspect, which procured him a general favor and an uncommon degree of respect²⁴. This distinction being unsought for, was possibly considered by him as his birth-right, and gave him an early impression of that superiority to his fellow-citizens which he continued to assume through the whole of his life. He had served in those legions with which Cinna intended to have carried the war against Sylla into Asia or Greece; but, being averse to the party, he withdrew when the army was about to embark, and disappearing suddenly, was supposed to have been murdered by the order of Cinna, a suspicion, which, among other circumstances, incited the soldiers to that mutiny in which
the

²⁴ Plutarch, in Mario.

the general was killed. Sylla appears himself to have been won by the promising aspect of this young man, and received him with distinguishing marks of regard.

Numbers of the Senate and Nobles, who had hitherto remained exposed at Rome to the insults of their enemies, now repaired to the camp of Sylla. The Consul Norbanus, being joined by young Marius, lay at Canusium. Sylla, while he was preparing to attack them, sent an officer with overtures of peace; these they rejected with marks of contempt. This circumstance had an effect which Sylla perhaps foresaw and intended. It roused the indignation of his army, and in the action which followed, had some effect in obtaining a victory in which six thousand²⁵ of the enemy were killed, with the loss of only seventy men to himself.

Norbanus, after this defeat, retreated to Capua; and, being covered by the walls of that place, waited the arrival of Scipio, who intended to join him with the army under his command. Sylla marched to Tium to prevent their junction; and, on the approach of Scipio, proposed to negotiate. The leaders, with a few attendants, met between the two armies, and were nearly agreed upon terms of peace; but Scipio delayed his final consent until he should consult with Norbanus at Capua. Sertorius was accordingly dispatched to inform Norbanus of what had passed, and hostilities were to be suspended until his return; but this

²⁵ Plutarch, in Syll. edit. Londin. p. 83.

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messenger, probably averse to the treaty, broke the truce, by seizing a post at Sueſſa which had been occupied by Sylla; and the negociation had no other effect than that of giving the troops of both armies, as well as their leaders, an opportunity of conferring together; a circumstance which, in civil wars, is always dangerous to one or other of the parties. In this case the popularity of Sylla prevailed; and the soldiers of his army, boasting of the wealth which they had acquired under their general, infected his enemies, and seduced them to desert their leader. Scipio was left almost alone in his camp; but Sylla, receiving the troops who deserted to him, made no attempt to seize their general, suffered him to escape, and, with the accession of strength he had acquired by the junction of this army, continued his march towards Rome. Norbanus at the same time evacuated Capua, and, by forced marches in a different route, endeavoured to prevent him.

About this time, Sertorius, who, before the war broke out, had, in the distribution of provinces, been appointed Proprætor of Spain, despairing of affairs in Italy, in which probably he was not sufficiently consulted, repaired to his province, and determined to try what the genius of a Roman leader could effect at the head of the warlike natives of that country.

The chiefs of the Marian party, who remained in Italy, made efforts to collect all the forces they could at Rome. Carbo, upon hearing that the army of Scipio was seduced to desert their general,

said, "We have to do with a lion and a fox, of
 " which the fox is probably the more dangerous
 " enemy of the two." CHAP. VII.

Norbanus, soon after his arrival in the city, procured an edict of the People, by which Metellus, and the others who had joined Sylla, were declared enemies to their country. About the same time a fire broke out in the Capitol, and the buildings were burnt to the ground. Various suspicions were entertained of the cause; but as no party had any interest in this event, it was probably accidental, and served only to agitate the minds of the People, prone to superstition, and apt to find alarming pre-
 fages in every uncommon event.

The remainder of the season was spent by both parties in collecting their forces from every quarter of Italy; and the term of the Consuls in office being nearly expired, Carbo procured his own nomination to succeed them, and inscribed the name of Marius, scarcely twenty years of age, as his colleague. This young man is by some said to have been the nephew, by others the adopted son, of the late celebrated C. Marius, whose name had so long been terrible to the enemies, and at length not less so to the friends, of Rome.

U. C. 671.
 C. Marius,
 Cn. Pap.
 Carbo.

At this time the Senate consented to have the plate and ornaments of the temples coined for the pay of the supposed Consular armies. They were, however, notwithstanding this act of obsequiousness, believed to incline to the opposite party, and not to be trusted in case the city were attacked. The members being assembled together by orders

BOOK II. of the Prætors, Damasippus and Brutus, the most suspected, were taken aside and put to death; of this number, Quintus Mucius Scævola, Pontifex Maximus, flying to the temple in which he was accustomed to discharge his sacred office, was killed in the porch.

The military operations of the following spring began with an obstinate fight between two considerable armies commanded by Metellus and Carinas. The latter being defeated with great loss, Carbo hastened to the scene of action, in order to cover the remains of the vanquished army.

In the mean time Sylla, being encamped at Setia, and having intelligence that the young Marius was advancing against him, put his army in motion to meet him, forced him back to Sacriportum, near Præneste, where an action soon after ensued, in which Marius was defeated.

The routed army having fled in disorder to Præneste, the first who arrived were received into the place; but as it was apprehended the enemy might likewise enter in the tumult, the gates were shut, and many, being excluded, were slaughtered under the ramparts. Marius himself escaped, by a rope which was let down from the battlements to hoist him over the walls.

In consequence of this victory Sylla invested Præneste; and as great numbers were thus suddenly cooped up in a town, which was not prepared to subsist them, he had an immediate prospect of seeing them reduced to the necessity of

surrendering at discretion. Committing the charge of the blockade to Lucretius Offella, he himself, with part of the army, proceeded to Rome. Metellus, in a second action, had defeated the army of Carbo, and Pompey that of Marius near Sena; and the party of Sylla being victorious in every part of Italy, the city was prepared to receive him as soon as he appeared at the gates. The partisans of the opposite faction withdrew, and left him master of the capital.

Sylla having posted his army in the field of Mars, he himself entered the city, and calling an assembly of the People, delivered an harangue, in which he imputed the disorders of the times to the injustice and cruelty of a few factious men, who had overturned the government, and sacrificed the best blood of the republic to their ambition and to their personal resentments. He exhorted all well-disposed men to be of good courage, and assured them that they should soon see the republic restored. In the mean time, he gratified his army with the spoils of the opposite party, declaring the effects of all those to be forfeited who had been accessory to the crimes lately committed against the State. After this first specimen of his policy in the city, leaving a sufficient force to execute his orders, he hastened to Clusium, where Carbo, being joined by a considerable reinforcement from Spain, was preparing to recover the metropolis, or to relieve his colleague Marius, who was reduced to great distress in Præneste.

The events which followed the arrival and

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operations of Sylla in Tuscany were various, but for the most part unfavorable to Carbo, whose force, by desertions and the sword, was declining apace. The issue of the war seemed to depend on the fate of Præneste, and the whole force of the party was therefore directed to the relief of that place. The Lucanians and Samnites, who had espoused the cause of Marius, and who, by his favor, had obtained the freedom of Rome, apprehending immediate ruin to themselves, in the suppression of a party by whom they had been protected, determined to make one great effort for the relief of Marius.

They were joined in Latium by a large detachment sent by Carbo, under Carinas and Marcius, and made an attempt to force the lines of the besiegers at Præneste, and to open the blockade of that place. But having failed in this design, they turned, with desperation, on the city of Rome, which was but slightly guarded by a small detachment which had been left for that purpose. Sylla being informed of their intention, with hasty marches advanced to the city, and found the enemy already in possession of the suburbs, and preparing to force the gates.

It was about four in the afternoon when he arrived, after a long march. Some of his officers proposed, that the troops, being fatigued, should have a little time to repose themselves; and that, for this purpose, they should remain on the ramparts until the following day. Sylla, however, proposing, by his unexpected presence, and by

coming to action at an unusual hour, to surprise the enemy, gave orders for an immediate attack. The event for some time was doubtful; the wing that was led by himself gave way, or was forced from its ground; but the other wing under Crassus had a better fortune, put the enemy to flight, and drove them to Antemnæ.

The action, though thus various in the different parts of it, became, in the event, completely decisive. Eighty thousand of the Marian party were killed in their flight, and eight thousand taken. Carbo, in despair of the cause, fled into Sicily. The troops that were blocked up in Præneste, having no longer any hopes of relief, surrendered themselves, and the whole party was dispersed or cut off. Marius attempted to escape by the galleries of a mine, and being prevented, killed himself. His head was carried to Sylla, and by his order exposed in the market-place. "That boy," he said, "should have learnt to row before he attempted to steer."

Sylla being now master of the republic, all men were in anxious expectation of the sequel; nor was it long before they had a specimen of the measures he was likely to pursue. About six or eight thousand of those who were supposed to be the vilest instruments of the late usurpations and murders, being taken prisoners in the war, or surprised in the city, were, by his direction, shut up in the circus, and instantly put to death.

While this horrid scene was acting, he had assembled the Senate, at a little distance, in the

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temple of Bellona ; and as most of the members then present had either favored, or at least tamely submitted to the late usurpation, he made them a speech on the state of the republic, in which he reproached many of them as accessory to the late disorders, and admonished them, for the future, to respect the legal government and constitution of their country. In the midst of these admonitions, the cries of those who were slaughtered in the circus reaching their ears, the assembly was greatly alarmed, and many of the members started from their seats. Sylla, with a countenance stern, but undisturbed, checked them as for an instance of levity. "Be composed," he said, "and attend to the business for which you are called. What you hear are no more than the cries of a few wretches, who are suffering the punishment due to their crimes." From this interruption he resumed his subject, and continued speaking till the massacre of these unhappy victims was completed.

In a harangue which he afterwards delivered to the People, he spoke of his own services to the republic, and of the misdemeanor of others, in terms that struck all who heard him with terror. "The republic," he said (if his opinion were followed), "should be purged ; but whether it were so or not, the injuries done to himself and his friends should be punished." He accordingly ordered military execution against every person who had been accessory to the late massacres and usurpations ; and while the sword was yet reeking in his hands, passed

great part of his time, as usual, in mirth and dissipation with men of humorous and singular characters. He deigned not even to inquire into the abuses that were committed in the execution of his general plan. The persons who were employed in it, frequently indulged their own private resentment and their avarice in the choice of victims. Among these, Catiline, then a young man, had joined the victorious party; and he plunged, with a singular impetuosity, into the midst of a storm which now overwhelmed a part of the city. He is said, among other persons to whom he bore an aversion, or whose effects he intended to seize, to have murdered his own brother, with strange circumstances of cruelty and horror.

While these dreadful murders, mixed with many examples of a just execution, were perpetrated, a young man, C. Metellus, had the courage to address himself to Sylla in the Senate, and desired he would make known the extent of his design, and how far these executions were to be carried? We intercede not," he said, "for the condemned; we only entreat that you would relieve out of this dreadful state of uncertainty all those whom in reality you mean to spare."

Sylla, without being offended at this freedom, published a list of those he had doomed to destruction, offering a reward of two talents for the head of each, and denouncing severe penalties against every person who should harbour or conceal them. Hence arose the practice of publishing lists of the persons to be massacred, which, under the odious

BOOK name of *proscription*, was afterwards imitated with
 II. such fatal effects in the subsequent convulsions of the State.

The present proscription, although it promised some security to all who were not comprehended in the fatal list, opened a scene, in some respects, more dreadful than that which had been formerly acted in this massacre. The hands of servants were hired against their masters, and even those of children against their parents. The mercenary of every denomination were encouraged, by a great premium, to commit what before only the ministers of public justice thought themselves entitled to perform; and there followed a scene, in which human nature had full scope to exert all the evils of which it is susceptible, treachery ingratitude, distrust, malice, and revenge; and would have retained no claim to our esteem or commiseration, if its character had not been redeemed by contrary instances of fidelity, generosity, and courage, displayed by those who, to preserve their friends and benefactors, or even to preserve strangers, who took refuge under their protection, hazarded all the dangers with which the proscribed themselves were threatened.

In consequence of these measures, about five thousand persons of consideration were put to death, among whom were reckoned forty Senators, and sixteen hundred of the Equestrian order.

From these beginnings the Romans had reason to apprehend a tyranny, more sanguinary perhaps

than any that ever afflicted mankind. “ If in the
 “ field you slay all who are found in arms against
 “ you,” said Catulus ²⁶, “ and in the city you
 “ slay even the unarmed; over whom do you pro-
 “ pose to reign?”

These reproaches were by Sylla received as
 jests; and the freedom and ease of his manners, as
 well as the professions he made of regard to the
 commonwealth, were imputed to insensibility, and
 to a barbarous dissimulation, which rendered his
 character more odious, and the prospect of his fu-
 ture intentions more terrifying.

In comparing the present with the late usurpa-
 tions, men recollected that Marius, from his in-
 fancy, had been of a severe and inexorable tem-
 per; that his resentments were sanguinary, and
 even his frowns were deadly; but that his cruelties
 were the effect of real passions, and had the apo-
 logy of not being perpetrated in cold blood; that
 every person on whom he looked with indifference
 was safe; and that even when he usurped the go-
 vernment of the State, as soon as his personal re-
 sentments were gratified; the sword in his hand be-
 came an innocent pageant, and the mere ensign or
 badge of his power. But that Sylla directed a
 massacre in the midst of composure and ease: that
 as a private man he had been affable and pleasant,
 even noted for humanity and candor ²⁷; that the

²⁶ Probably the son of him who perished in the tyranny of
 Marius.

²⁷ Plutarch, in Sylla.

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change of his temper having commenced with his exaltation, there were no hopes that the shedding of blood could be stopped while he was suffered to retain his power. His daring spirit, his address, his cunning, and his ascendant over the minds of men, rendered the prospect of a deliverance, if not desperate, extremely remote. The republic seemed to be extinguished for ever; and if the rage of blood, after the first heat of the massacre, appeared to abate, it was stayed only for want of victims, not from any principle of moderation, or sentiment of clemency.

Such was the aspect of affairs, and the grounds of terror conceived even by those who were innocent of the late disorders; but to those who had reason to fear the resentment of the victor, the prospect was altogether desperate. Norbanus, having fled to Rhodes, received at that place an account of the proscriptions, and, to avoid being delivered up, killed himself. Carbo, being in Sicily, endeavoured to make his escape from thence, but was apprehended by Pompey, and killed. All the ordinary offices of State were vacated by the desertion or death of those who had filled or usurped them.

Sylla had hitherto acted as master, without any other title than that of the sword; and it was now thought necessary to supply the defect. He retired from the city, that the Senate might assemble with the more appearance of freedom. To name an interrex was the usual expedient for restoring the constitution; and proceeding to elections in a legal

form after the usual time had elapsed, or when by any accident the ordinary succession to office had failed. Valerius Flaccus was named. To him Sylla gave intimation, that, to resettle the commonwealth, a Dictator, for an indefinite term, should be appointed, and made offer of his own services for this purpose. These intimations were received as commands. Flaccus, having assembled the People, moved for an act to vest Sylla with the title of Dictator, which gave him a discretionary power over the persons, fortunes, and lives of all the citizens.

No example of this kind had taken place for a hundred and twenty years preceding this date. In the former part of this period, the jealousy of the aristocracy, and in the latter part of it, the negative of the Tribunes, had always prevented a measure from which they severally apprehended some danger to themselves. It was now revived in the person of Sylla with unusual solemnity, and ratified by an act of the People, in which they yielded up at once all their own claims to the sovereignty, and submitted to monarchy for an indefinite time. Sylla having named Valerius Flaccus for his lieutenant or commander of the horse, returned to the city, presenting a sight that was then unusual, a single person, preceded by four-and-twenty lictors, armed with the axe and the rods; and it was not doubted that these ensigns of magistracy were to be employed, not for parade, but for serious execution, and were speedily to be stained with the blood of many citizens, whom

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the sword had spared. The Dictator, being attended likewise by a numerous military guard, in order that the city, in all matters in which it was not necessary for himself to interpose, might still enjoy the benefit of the usual forms, he directed the People to assemble, and to fill up the ordinary lists of office.

Lucretius Offella, the officer who had commanded in the reduction of Præneste, presuming on his favor with the Dictator, and on his consequence with the army, offered himself for the Consulate. Being commanded by Sylla to desist, he still continued his canvass, and was, by order of the Dictator, put to death, while he solicited votes in the streets. A tumult immediately arose; the Centurion, who executed this order against Offella, was seized, and, attended by a great concourse of people, was carried before the Dictator. Sylla heard the complaint with great composure, told the multitude who crowded around him, that Offella had been slain by his orders, and that the Centurion must therefore be released. He then dismissed them, with this homely but menacing apologue. "A countryman at his plough, feeling himself
 "troubled with vermin, once and again made a
 "halt to pick them off his jacket; but being
 "molested a third time, he threw the jacket, with
 "all its contents, into the fire. Beware," he said,
 "of the fire; provoke me not a third time²⁸."

Such was the tone of a government, which, from

²⁸ Appian. de Bell. Civil. lib. i. Plutarch, in Sylla.

this example, was likely to be fatal to many who had concurred in the establishment of it, as well as to those of the opposite party. CHAP. VII.

Sylla, soon after his elevation to the station of Dictator, proceeded to make his arrangements and to new-model the commonwealth. The army²⁹ appeared to have the first or preferable claim to his attention. He accordingly proposed to reward them by a gift of all the lands which had been forfeited by the adherents of the opposite party. Spoletum, Interamna, Præneste, Fluentia, Nola, Sulmo, Volaterra, together with the countries of Samnium and Lucania, were depopulated to make way for the legions who had served under himself in the reduction of his enemies. In these new inhabitants of Italy, whose prosperity depended on his safety, he had a guard to his person, and a sure support to his power. By changing their condition from that of soldiers to land-holders and peasants, he dispelled, at the same time, that dangerous cloud of military power, which he himself or his antagonists had raised over the commonwealth, and provided for the permanency of any reformati²⁹ ons he was to introduce into the civil establishment. The troops, from soldiers of fortune, became proprietors of land, and interested in the preservation of peace. In this manner, whatever may have been his intention in this arbitrary act of power, so cruel to the innocent

U. C. 672.
M. Tullius
Decula, Cn.
Corn. Dolabella.

²⁹ It appears that Livy reckoned forty-seven legions, Epitom. lib. lxxxix.

BOOK sufferers, if there were any such, the measure had
II. an immediate tendency to terminate the public confusion. Its future consequences, in pointing out to new armies, and to their ambitious leaders, a way to supplant their fellow-citizens in their property, and to practise usurpations more permanent than that of Sylla, were probably not then foreseen.

The next act of the Dictator appears more entirely calculated for the security of his own person. A body of ten thousand men, lately the property of persons involved in the ruin of the vanquished party, having their freedom and the right of citizens conferred on them, were enrolled promiscuously in all the Tribes, and as the enfranchised slave took the name of the person from whom he received his freedom, these new citizens became an accession to the family of the Cornelii, and in every tumult were likely to be the sure partisans of Sylla, and the abettors of his power. They had received a freedom which was connected with the permanency of his government, and foresaw, that, if the leaders of the opposite party, in whose houses they had served, should be restored, they themselves must return into the condition of slaves; and they accordingly became an additional security to the government which their patron was about to establish.

So far Sylla seemed to intend the security of his own person, and the stability of his government; but in all his subsequent institutions, he
 had

had a view to restore the aristocracy in its legislative and judicative capacity, to provide a proper supply of officers for conducting the accumulated affairs of the commonwealth, to furnish hands for every department, and to guard against the growing depravity of the times, by extending and securing the execution of the laws. He began with filling up the rolls of the Senate which had been greatly reduced by the war, and by the sanguinary policy of the parties who had prevailed in their turns. He augmented the number of this body to five hundred; taking the new members from the Equestrian order, but leaving the choice of them to the People.

The legislative power of the Senate, and the judicative power of its members were restored. Lex de Juri-
diciis. The law that was provided for the last of these purposes consisted of different clauses. By the first clause it was enacted, that none but Senators, or those who were entitled to give their opinion in the Senate³⁰, should be put upon any jury or list of the judges³¹. By the second, that, of the judges so selected, the parties should not be allowed to challenge or reject above three.

By a third clause it was provided, that judgement, in trials at law, should be given either by ballot, or openly, at the option of the defendant; and by a separate regulation, that the

³⁰ All the officers of State, even before they were put upon the rolls, were entitled to speak in the Senate.

³¹ Tacit. Anal. lib. xi. Cic. pro Cluentio.

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II.

nomination of officers to command in the provinces, with the title of Proconsul, should be committed to the Senate.

During the late tribunitian usurpation, the whole legislative and executive power had, under pretence of vesting those prerogatives in the assembly of the Tribes, been seized by the Tribunes. But Sylla restored the ancient form of assembling the People by Centuries, and reduced the Tribunes to their defensive privilege of interposing by a negative against any act of oppression; and he deprived them of their pretended right to propose laws, or to harangue the People. He moreover added, that none but Senators could be elected into the office of Tribune; and, to the end that no person of a factious ambition might chuse this station, he procured it to be enacted, that no one who had borne the office of Tribune could afterwards be promoted into any other rank of the magistracy.

With respect to the offices of State, this new founder of the commonwealth revived the obsolete law which prohibited the re-election of any person into the Consulate, till after an interval of ten years; and enacted, that none could be elected Consul till after he had been Quæstor, Ædile, and Prætor. He augmented the number of Prætors from six to eight; that of Quæstors to twenty; and, to guard against the disorders which had recently afflicted the republic, declared it to be treason for any Roman officer,

without the authority of the Senate and People, to go beyond the limits of his province, whether with or without an army, to make war, or to invade any foreign nation whatever.

He repealed the law of Domitius relating to the election of priests, and restored to the college the entire choice of their own members.

He made several additions to the criminal law, by statutes against subornation, forgery, wilful fire, poisoning, rape, assault, extortion, and forcibly entering the house of a citizen; and a statute making it penal to be found with deadly weapons of any sort. To all these he added a sumptuary law, of which the tenor is not precisely known; but it appears to have regulated the expense at ordinary ³² meals and at funerals, and to have likewise settled the price of provisions.

These laws were promulgated at certain intervals, and intermixed with the measures which were taken to restore the peace of the empire. In order to finish the remains of the civil war, Pompey had been sent into Sicily and Africa, and C. Annius Luscus into Spain. In this province, Sertorius had taken arms for the Marian faction; but being attacked by the forces of Sylla, and ill supported at first by the Spaniards, he fled into Africa. From thence, hearing that the Lusitanians were disposed to take arms against the reigning party at Rome, he repassed the sea, put himself at their head, and

³² A. Gellius, lib. ii. c. 24.

BOOK II. in this situation was able, for some years, to find occupation for the arms of the republic, and for its most experienced generals.

Soon after the departure of Sylla from Asia, Murena whom he had left to command in that province, found a pretence to renew the war with Mithridates; and, having ventured to pass the Halys, was defeated by that prince, and afterwards arraigned as having infringed the late treaty of peace. Sylla listened to this accusation, disapproved the conduct of Murena, and sent first A. Gabinius, and afterwards Minucius Thermus, to supersede him in the province.

Mean time Sylla himself exhibited a splendid triumph on account of his victories in Asia and Greece. The procession lasted two days. On the first, he deposited in the treasury fifteen thousand pondo of gold ³³, and a hundred and fifteen thousand pondo of silver ³⁴; on the second day, thirteen thousand pondo of gold ³⁵, and seven thousand pondo of silver ³⁶. There was nothing that had any reference to his victory in the civil war, except a numerous train of Senators, and other citizens of distinction, who, having resorted to his camp for protection, had been restored by him to their estates and their dignities, and now followed

³³ Reckoning the pondo at ten ounces, and 4 l. an ounce, this will make about 60,000 l.

³⁴ About 287,500 l.

³⁵ About 520,000 l.

³⁶ About 140,000 l. Plin. lib. xxxiii. initio.

his chariot, calling him Father, and the deliverer of his Country. C H A P.
VII.

Upon the return of the elections, Sylla was again chosen Consul, together with Q. Cæcilius Metellus. The latter was destined, at the expiration of his office, to command against Sertorius in Spain. Sylla himself still retained the Dictatorial power, and was employed in promulgating some of the acts of which the chief have been mentioned. U. C. 673.
L. Corn.
Sylla, Q.
Cæcil.
Metell.
Pius.

Pompey having, in the preceding year, by the death of Carbo, and the dispersion of his party, finished the remains of the civil war in Sicily, was now ordered by the Senate to transport his army into Africa. There Domitius, a leader of the opposite faction, had erected his standard, assembled some remains of the vanquished party, and received all the fugitives who crowded for refuge to his camp. Pompey accordingly departed from Sicily, leaving the command of that island to Memmius, and embarked his army, consisting of six legions, in two divisions; one landed at Utica, the other in the bay of Carthage. Having come to an engagement with Domitius, who had been joined by Jarbas, an African prince, he obtained a complete victory over their united forces, and afterwards penetrated, without any resistance, into the kingdom of Numidia, which though dependant on the Romans, had not yet been reduced to the form of a province.

The war being ended in this quarter, Sylla thought proper to supersede Pompey in the province,

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and ordered him to disband his army, reserving only one legion, with which he was to wait for his successor. The troops were greatly incensed at this order; and, thinking themselves equally entitled to settlements with the legions who were lately provided for in Italy, refused, to lay down their arms. They earnestly entreated their general to embark for Rome, where they promised to make him master of the government. This young man, with a moderation which he continued to support in the height of his ambition, withstood the temptation, and declared to the army, that, if they persisted in their purpose, he must certainly die by his own hands; that he would not do violence to the government of his country, nor be the object or pretence of a civil war. If in reality he had encouraged this mutiny, it was only that he might thus have the honor of reclaiming the soldiers, and of rejecting their offer. The ambition of this singular person, as will appear from many passages of his life, led him to aim at consideration more than power.

While Pompey was endeavouring to bring the troops to their duty, a report was carried to Rome, that he had actually revolted, and was preparing with his army, to make a descent upon Italy. "It appears to be my fate," said Sylla, "in my old age, to fight with boys;" and he was about to recal the veterans to his standard, when the truth was discovered, and the part which Pompey had acted was properly represented. The merit of this young man on that occasion was the greater, that

he himself was unwilling to disband the army before they should return into Italy to attend a triumph, which he hoped to obtain; and that the resolution he took to comply with his orders, proceeded from respect to the Senate, and the authority of the State.

Sylla, won by the behaviour of Pompey on this occasion, was inclined to dispense with his former commands, and accordingly moved the assembly of the People, that the legions serving in Africa might return into Italy.

This motion was opposed by C. Herennius, Tribune of the People, who ventured to employ the prerogative of his office, however impaired, against the power of the Dictator. But Sylla persisted; obtained a law to authorize Pompey to enter with his army into Italy; and when he drew near the city, went forth with a numerous body of the Senate to receive him. On this occasion, it is said, that, by calling him the Great Pompey, Sylla fixed a designation upon him, which, in the Roman way of distinguishing persons by nick-names, whether of contempt or respect, continued to furnish him with a title for life. The times were wretched when armies stated themselves in the commonwealth as the partisans of their leader, and when the leader, by not betraying his country, was supposed to perform a great action.

Pompey, upon this occasion, laid claim to a triumph. Sylla at first opposed it as being contrary to the rule and order of the commonwealth, which reserved this honor for persons who had

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attained to the rank of Consul or Prætor ; but he afterwards complied, being struck, it is said, with a mutinous saying of this aspiring young man, bidding him recollect, that there were more persons disposed to worship the rising than the setting sun.

In the triumph which Pompey accordingly obtained, he meant to have entered the city on a carriage drawn by elephants ; but these animals could not pass abreast through the gates. His donation to the troops falling short of their expectation, and they having murmured, and even threatened to mutiny, he said, the fear of losing his triumph should not affect him ; that he would instantly disband the legions, rather than comply with their unreasonable demands. This check, given to the presumption of the army by an officer so young and so aspiring, gave a general satisfaction. P. Servilius, a Senator of advanced age, said, upon this occasion, " That the young man " had at last deserved his triumph and his title."

Pompey, by his vanity in demanding a triumph contrary to the established order of the commonwealth, had impaired the lustre of his former actions ; by this last act of magnanimity, in restraining the insolence of the troops, he forfeited the affections of the army ; and in both these circumstances together, gave a complete specimen and image of his whole life. With too much respect for the republic to employ violent means for its ruin, he was possessed by a vanity and a jealousy of his own personal consideration, which, in

detail, perpetually led him to undermine its foundations.

C H A P.

VII.

Upon the return of the elections, Sylla was again destined for one of the Consuls; but he declined this piece of flattery, and directed the choice to fall on P. Servilius and Appius Claudius. Soon after these magistrates entered on the discharge of their trust; the dictator appeared, as usual, in the Forum, attended by twenty-four lictors: but, instead of proceeding to any exercise of his power, made a formal resignation of it, dismissed his retinue, and, having declared to the People, that if any one had any matter of charge against him, he was ready to answer it, continued to walk in the streets in the character of a private man, and afterwards retired to his villa near Cumæ, where he exercised himself in hunting³⁷, and other country-amusements.

U. C. 674.
P. Servilius
Ap. Claudius

This resignation throws a new light on the character of Sylla, and leads to a favorable construction of some of the most exceptionable parts of his conduct. When, with the help of the comment it affords, we look back to the establishments he made while in power, they appear not to be the acts of a determined usurper, but to be fitted for a republican government, and for the restoration of that order which the violence and corruption of the times had suspended.

That he was actuated by a violent resentment of personal wrongs, cannot be questioned; but it

³⁷ Appian, de Bell. Civil. lib. i.

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is likewise evident, that he felt on proper occasions for the honor and preservation of his country, in the noblest sense of these words. In his first attack of the city with a military force, his actions showed, that he meant to rescue the republic from the usurpations of Marius, not to usurp the government himself. When he returned into Italy from the Mithridatic war, the state of parties already engaged in hostilities, and the violence done to the republic by those who pretended to govern it, will abundantly justify his having had recourse to arms. For the massacre which followed, it may be shocking to suppose that the evils of human life can require such a remedy: but the case was singular, exposed to disorders which required violent remedies, beyond what is known in the history of mankind; a populous city, the capital of a large country, whose inhabitants still pretended to act in a collective body, of whom every member would be a master, none would be a subject, become the joint sovereigns of many provinces, ready to spurn at all the institutions which were provided for the purposes of government over themselves, and at all the principles of justice and order which were required to regulate their government of others. Where the gangrene spread in such a body, it was likely to require the amputation-knife. Men rushed into crimes in numerous bodies, or were led in powerful factions to any species of evil which suited their demagogues. Whatever may have been Sylla's choice among the instruments of reformation and cure, it is likely that the sword alone was that on

which he could rely; and he used it like a person anxious to effect its purpose, not to recommend his art to those on whom it was to be practised.

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In his capacity of a political reformer, he had to work on the dregs of a corrupted republic; and although the effect fell short of what is ascribed to fabulous legislators and founders of states, yet to none ever were ascribed more tokens of magnanimity and greatness of mind. He was superior to the reputation even of his own splendid actions; and, from simplicity or disdain, mixed perhaps with superstition, not from affected modesty, attributed his success to the effects of his good fortune and to the favor of the gods. While he bestowed on Pompey the title of Great, he himself was content with that of Fortunate. He was a man of letters, and passed the early part of his life in a mixture of dissipation and study. He wrote his own memoirs, or a journal of his life, often quoted by Plutarch, and continued it to within a few days of his death. A work possibly of little elegance, and even tainted, as we are told, with superstition; but more curious surely than many volumes corrected by the labors of retired study.

When tired of his youthful amusements, he sued for the honors of the State; but with so little appearance of any jealous or impatient ambition, that, if he had not been impelled by provocations into the violent course he pursued, it is probable that he would have been contented with the usual career of a prosperous Senator; would have disdained

B O O K to encroach on the rights of his fellow-citizens, as
II. much as he resented the encroachments that were made on his own, and never would have been heard of but on the Rolls of the Consuls, and in the record of his triumphs. But fortune destined him for a part still more conspicuous, and in which it may be thought, that, although none ever less studied the unnecessary appearances of humanity or a scrupulous morality, none ever more essentially served the persons with whom he was connected.

With respect to such a personage, circumstances of a trivial nature become subjects of attention. His hair and eyes, it is said, were of a light color, his complexion fair, and his countenance blotched. He was, by the most probable accounts, four years old at the time of the sedition of Tiberius Gracchus, and seventeen at the death of Caius Gracchus; so that he might have perceived at this date the effect of tribunitian seditions, and taken the impressions from which he acted against them. He served the office of Quæstor under Marius in Africa at thirty-one; was Consul for the first time at forty-nine or fifty³⁸; was Dictator at fifty-six; resigned when turned of fifty-eight, and died yet under sixty, in the year which followed that of his resignation.

There remained in the city, at his death, a numerous body of new citizens who bore his name: in the country a still more numerous body

³⁸ Vel. Pater. lib. ii. c. 17.

of veteran officers and soldiers, who held estates by his gift: numbers throughout the empire, who owed their safety to his protection, and who ascribed the existence of the commonwealth itself to the exertions of his great ability and courage: numbers who, although they were offended with the severe exercise of his power, yet admired the magnanimity of his resignation.

When he was no longer an object of flattery, his corpse was carried in procession through Italy at the public expence. The fasces, and every other ensign of honor, were restored to the dead. Above two thousand golden crowns were fabricated in haste, by order of the towns and provinces he had protected, or of the private persons he had preserved, to testify their veneration for his memory. Roman matrons, whom it might be expected his cruelties would have affected with horror, lost every other sentiment in that of admiration, crowded to his funeral, and heaped the pile with perfumes³⁹. His obsequies were performed in the Campus Martius. The tomb was marked by his own directions with the following characteristical inscription: "Here lies Sylla, who never was outdone in good offices by his friend, nor in acts of hostility by his enemy"⁴⁰. His merit or demerit in the principal transactions of his life may be variously estimated. His having slain so many citizens in cold blood, and without any form of law, if we imagine

³⁹ Appian. de Bell. Civ. lib. i. Plutarch, in Sylla.

⁴⁰ Plutarch, in Sylla, fine.

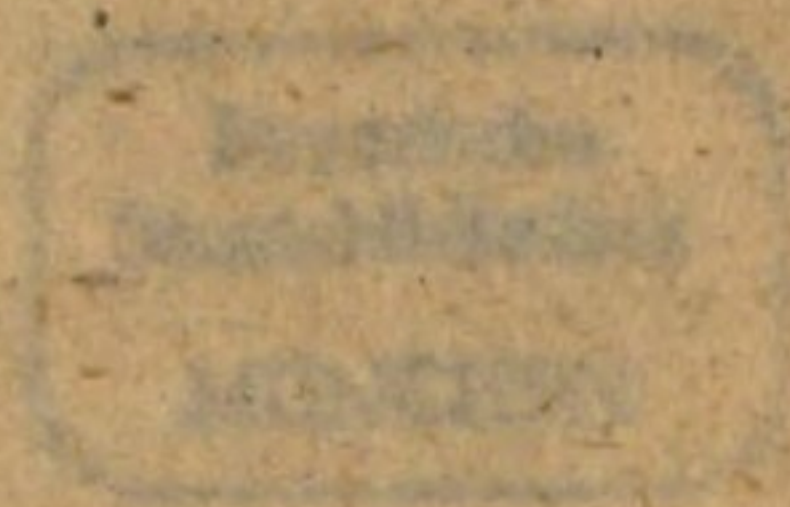
BOOK II. them to have been innocent, or if we conceive the republic to have been in a state to allow them a trial, must be considered as monstrous or criminal in the highest degree: but if none of these suppositions were just, if they were guilty of the greatest crimes, and were themselves the authors of that lawless state to which their country was reduced, his having saved the republic from the hands of such ruffians, and purged it of the vilest dregs that ever threatened to poison a free State, may be considered as meritorious. To satisfy himself, who was neither solicitous of praise nor dreaded censure, the strong impulse of his own mind, guided by indignation and the sense of necessity, was probably sufficient.

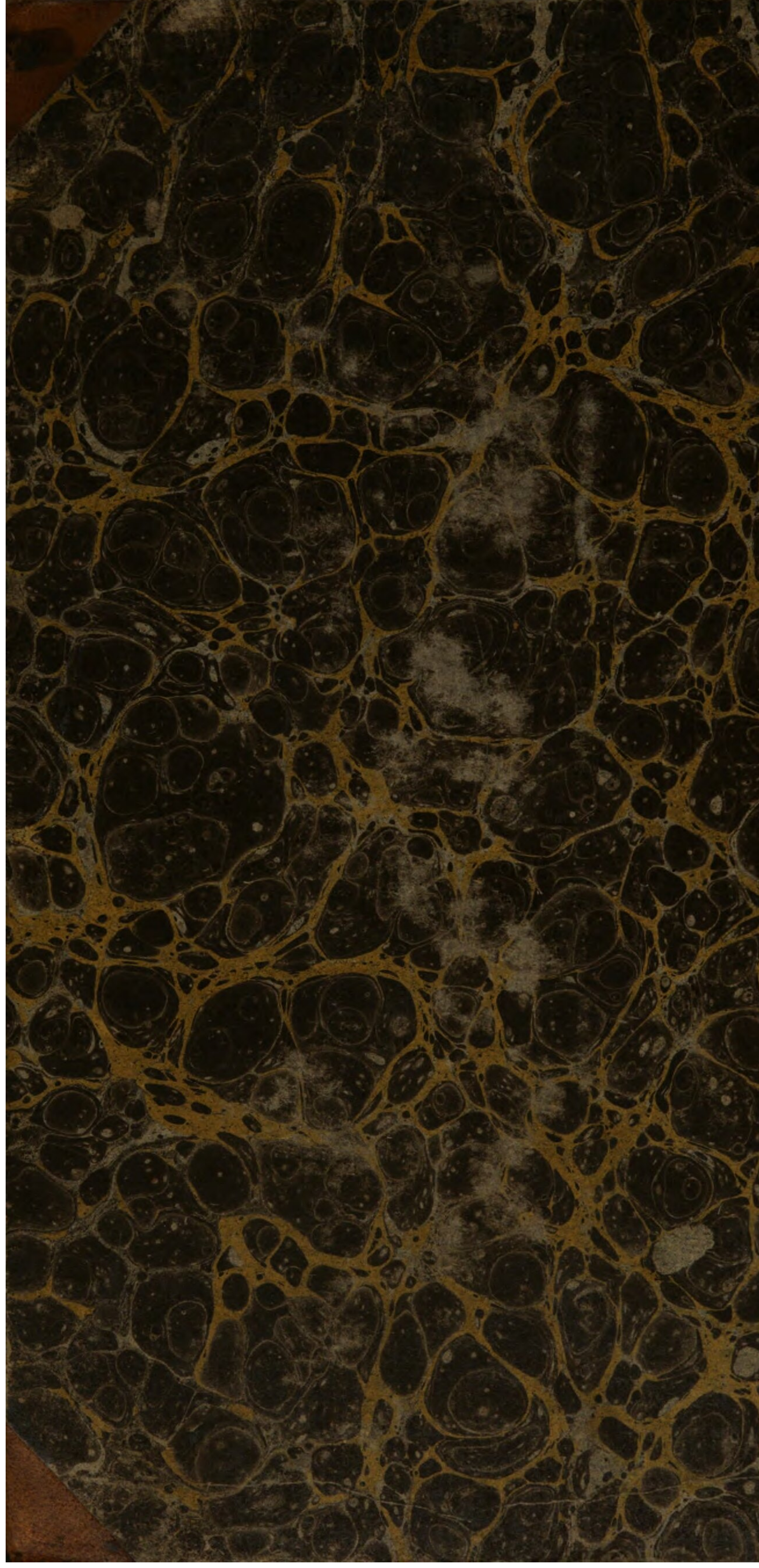
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